

INTERNATIONAL COURT OF JUSTICE

**LAND AND MARITIME DELIMITATION AND SOVEREIGNTY
OVER ISLANDS**

(GABON/EQUATORIAL GUINEA)

**MEMORIAL OF
THE REPUBLIC OF EQUATORIAL GUINEA**

VOLUME VII

5 October 2021

VOLUME VII

ANNEXES

NEGOTIATION & MEDIATION DOCUMENTS

- Annex 197 *Minutes Drawn up by the Gabonese-EquatoGuinean Delegation Following the Meeting in Libreville from March 25-29, 1971[2], Libreville (29 March 197[2])*
- Annex 198 *Minutes of the Joint Gabon-Equatorial Guinea Commission's Meeting in Libreville (25-29 March 1972)*
- Annex 199 *Report Prepared by the Gabon-Equatorial Guinea Joint Commission After the Meeting in Libreville from March 25 to 29, 1972, Libreville (25-29 March 1972)*
- Annex 200 *Conference of the Heads of State and Government of Central and East Africa, Dar es Salaam, 7-9 September 1972, Joint Communiqué on the Work of the Conference on Settlement of the Dispute Between Equatorial Guinea and Gabon, as recorded by the Embassy of the United States to the Republic of Zaire (18 September 1972)*
- Annex 201 *Conference of the Heads of State and Government of Central and East Africa, Second Session, Final Communiqué Regarding the Dispute Between Equatorial Guinea and Gabon (13 November 1972)*
- Annex 202 *Minutes from the Joint Gabon/Equatorial Guinea Grand Commission Meeting (July 26-30 1980)*
- Annex 203 *Minutes of the Joint Commission on the Revision of the Petroleum Cooperation Agreement Between the Republic of Equatorial Guinea and The Gabonese Republic, Libreville (26 September 1981)*
- Annex 204 *The Gabonese Republic, Spanish Minutes of the Ad Hoc Commission on the Revision of the Petroleum Cooperation Agreement between the Republic of Equatorial Guinea and The Gabonese Republic, Libreville (16 – 18 March 1982)*

- Annex 205 *Minutes of the Second Session of the Ad Hoc Commission on the Review of the Oil Cooperation Agreement Between the Republic of Equatorial Guinea and The Gabonese Republic, Malabo (10-13 September 1984)*
- Annex 206 *The Delegation of the Republic of Equatorial Guinea, Opening Address to the Delegation of The Gabonese Republic During the First Meeting of the Gabonese - Equatoguinean Ad-Hoc Commission (4 November 1984)*
- Annex 207 *Minutes of the Guinean-Gabonese Ad Hoc Commission on the Delimitation of the Maritime Boundary in Corisco Bay, Bata (10-16 November 1985)*
- Annex 208 *Republic of Equatorial Guinea, French Minutes of the Gabon-Equatorial Guinea Ad Hoc Commission Responsible for the Delimitation of the Maritime Boundary in the Bay of Corisco Between the Republic of Gabon and the Republic of Equatorial Guinea, Bata (10 – 16 November 1985)*
- Annex 209 *French Report of the Border Sub-Commission of the Ad-Hoc Border Commission Gabon-Equatorial Guinea (20 January 1993)*
- Annex 210 *Report of the Border Subcommittee of the Ad Hoc Commission on the Gabon-Equatorial Guinea Boundaries (20 January 1993)*
- Annex 211 *Republic of Equatorial Guinea, Report of the Border Sub-Commission Following the Meetings of the Ad hoc Border Commission Gabon-Equatorial Guinea (20 January 1993)*
- Annex 212 *The Gabonese Republic, Minutes of the Ad Hoc Border Committee, Libreville (31 January 2001) (excerpt)*
- Annex 213 *Republic of Equatorial Guinea, Minutes of the Ad-hoc Commission on Equatorial Guinea-Gabon Borders, Malabo (23 May 2003)*

VERSIONS OF THE DOCUMENT PRESENTED BY GABON IN 2003 & EQUATORIAL GUINEA'S OBJECTIONS

- Annex 214 The Republic of Equatorial Guinea and The Gabonese Republic, *Convention Delimiting the Land and Maritime Boundaries of Equatorial Guinea and Gabon* (12 September 1974) (Retyped French-language version, as published in the UNTS Vol.2248)
- Annex 215 The Republic of Equatorial Guinea and The Gabonese Republic, *Convention Delimiting the Land and Maritime Boundaries of Equatorial Guinea and Gabon* (12 September 1974) (French-language photocopy)
- Annex 216 The Republic of Equatorial Guinea and The Gabonese Republic, *Convention Delimiting the Land and Maritime Boundaries of Equatorial Guinea and Gabon* (12 September 1974) (Retyped Spanish-language version, as published in the UNTS)
- Annex 217 The Republic of Equatorial Guinea and The Gabonese Republic, *Convention Delimiting the Land and Maritime Boundaries of Equatorial Guinea and Gabon* (12 September 1974) (Spanish-language photocopy)
- Annex 218 Republic of Equatorial Guinea, *Objection to the Authenticity of the Convention Before the United Nations*, on the "Convention Demarcating the Land and Maritime Frontiers of Equatorial Guinea and Gabon, Bata, 12 September 1974" (18 March 2004)
- Annex 219 Republic of Equatorial Guinea, *Second Objection Before the United Nations*, on the "Convention Demarcating the Land and Maritime Frontiers of Equatorial Guinea and Gabon, Bata, 12 September 1974" (7 April 2004)

ACADEMIC ARTICLES & PRESS RELEASES

- Annex 220 Royal Geographical Society, "Legislation and provisions of the Central Administration", *MAGAZINE OF COLONIAL AND MERCANTILE GEOGRAPHY*, Spain (1906)
- Annex 221 L. Martín y Peinador, "Geographical Studies: Morocco and Spanish Places, Algeria, Tunisia and Tripoli, Sahara and Spanish Sahara, Spanish Mainland and Island Guinea, Moroccan Problem" (1908) (excerpt)
- Annex 222 D. Saavedra y Magdalena, *SPAIN IN WEST AFRICA (RIO DE ORO AND GUINEA)* (1910)
- Annex 223 L. Ramos-Izquierdo y Vivar, *GEOGRAPHICAL DESCRIPTION AND GOVERNMENT, ADMINISTRATION AND COLONIZATION OF THE SPANISH COLONIES OF THE GULF OF GUINEA* (1912)
- Annex 224 A. Balfour et. al, *Further Report on Tuberculosis and Sleeping-Sickness in Equatorial Africa*, League of Nations Health Organization (April 1925)
- Annex 225 Spanish Territories of the Gulf of Guinea, Official Gazette of the Gulf of Guinea Territories (15 March 1948)
- Annex 226 F.F. Olesa Munido, "Criminal Law Applicable to Indigenous People in the Spanish Territories of the Gulf of Guinea", *INSTITUTE OF AFRICAN STUDIES, SUPERIOR COUNCIL OF SCIENTIFIC RESEARCH, Madrid* (1953)
- Annex 227 H. D. Hedberg, "Summary of Wildcat Drilling in 1959" *Petroleum Developments in Africa* (1959)
- Annex 228 "Gabon-Equatorial Guinea: Next Meeting on 30 September," *Fraternité Matin: Le Grand Quotidien Ivoirien* (20 September 1972)
- Annex 229 News Article, "Dateline Africa: Gabon Frontier Dispute Settled," *West Africa* (29 September 1972)
- Annex 230 A. Oye Cukwurah, "The Organization of African Unity and African Territorial and Boundary Problems: 1963-1973", 13 *The Indian Journal of International Law* (1973)
- Annex 231 M. DeLancey, "Historical Dictionary of the Republic of Cameroon," 3rd. Ed., *AFRICAN HISTORICAL DICTIONARIES* No. 81 (2000)

- Annex 232 “Gabon/Guinée Équatoriale: Frontières: Litiges Bientôt Réglés” *La Lettre Afrique Expansion* (12 February 2001)
- Annex 233 E.M. Yolla, *Foreign Policy of Gabon*, Etudes Africaines (2003)
- Annex 234 “Neighbours to Explore Jointly for Oil in Disputed Waters”, *The New Humanitarian* (7 July 2004)
- Annex 235 J. Geslin, “The Island of Contention”, *Jeune Afrique* (7 March 2006)
- Annex 236 G. Nerin, *Spain’s Last Forest Cannibals, Missionaries, and Civil Guards Account of the Conquest of the Fang in Spanish Guinea 1914-1930* (2010) (excerpt)
- Annex 237 *News Article*, “Ali Bongo in Equatorial Guinea for Bridge Inauguration”, *Bongo Must Go* (4 August 2011)
- Annex 238 *News Article*, “Inauguration of Two Bridges”, Office of Press and Information of the Republic of Equatorial Guinea (6 August 2011)
- Annex 239 *News Article*, “Inauguration of the Friendship Bridges Between Gabon and Equatorial Guinea”, La Lettre d’Information, Official Bulletin of the Presidency of the Gabonese Republic No. 3 (August 2011)
- Annex 240 *News Article*, Ali Bongo Ondimba: “Not Everyone Has Understood that Gabon has Changed”, *Jeune Afrique* (6 September 2011)
- Annex 241 G. Nesi, “Uti Possidetis Doctrine” MAX PLANCK ENCYCLOPEDIA OF INTERNATIONAL LAW (February 2018)
- Annex 242 J.C. Guerra Velasco, “Forest Science, Technical Practices, Timber Policy and Colonial Context in Equatorial Guinea (1929-1968),” SCRIPTA NOVA, Vol. XXIII. No. 613 (1 May 2019) (excerpt)
- Annex 243 A. Zimmermann & J. Devaney, “State Succession in Treaties” *Max Planck Encyclopedia of Public International Law* (last updated July 2019)
- Annex 244 “Gabon” *CIA World Factbook*, Central Intelligence Agency available at www.cia.gov/the-world-factbook/countries/gabon/ (9 September 2021) (excerpt)

Annex 197

Minutes Drawn up by the Gabonese-EquatoGuinean Delegation Following the Meeting in Libreville from March 25-29, 1971[2], Libreville (29 March 197[2])

TRANSLATION

MINUTES DRAWN UP BY THE GABONESE-EQUATOGUINEAN DELEGATION FOLLOWING THE MEETING IN LIBREVILLE FROM MARCH 25-29, 1971.

At the invitation of the President of the Gabonese Republic, the Equatoguinean and Gabonese Delegations met in Libreville from March 25-29, 1972, to delimit the two Countries' maritime boundaries.

The Delegations were comprised as follows:

FOR THE REPUBLIC OF EQUATORIAL GUINEA:

His Excellency Angel MASIE NTUTUMU, Minister of the Interior, Chairman of the delegation.

His Excellency Jesús Alfonso Oyono, Minister of Public Works, Housing and Transportation.

Mr. Bonifacio NGUEMA ESONO, Secretary General of Foreign Affairs.

His Excellency Clemente ATEBA NSOH, Ambassador of Equatorial Guinea in Gabon.

Mr. Federico MESA BILL, Director General of the Office of the President of the Republic of Equatorial Guinea.

Mr. Agustin EDJANG OBAMA, First Secretary of the Embassy of Equatorial Guinea in Gabon.

FOR THE GABONESE DELEGATION:

Messrs. Francis NGUEMA NDONG, Minister of State, Chairman of the delegation.

Jean-Baptiste OBIANG EKOMIE, Deputy Chairman of the delegation.

Benjamin NDUBOU, Minister of Civil Service and Administrative Reform.

León N'DONG, Secretary General of Foreign Affairs.

Alexis OBAME, Head of Political and African Affairs for the Ministry of Foreign Affairs.

Etienne MBOUMBA-MOUNDOUNGA, Director of General Administration for the Ministry of the Interior.

George BAKALE, Director of Agricultural Services.

Lieutenant Colonel NZONG, Deputy Commander of the National Gendarmerie.

DAMAS Claude, Director of the Libreville Port.

ONETO Jean, Legal Advisor to the Government.

FANGUNOVENY Pierre, Roving Ambassador

CABROL, Technical Advisor to the Office of the President of the Republic.

MOREL, Technical Advisor to the Ministry of Mines.

WATER STREET TRANSLATIONS

TRANSLATION

- 2 -

BOUFANT León, Head of the Maritime and River Service; and

MAROLLES Jean, Advisor to the Office of the President.

I.- REFERENCE DOCUMENTS

Both Delegations have taken note of the following documents' existence:

- Convention between France and Spain on the delimitation of the two Countries' possessions in West Africa on the coasts of the Sahara and the Gulf of Guinea, signed in Paris on June 27, 1900.
- 1958 Geneva Convention on the Continental Shelf.
- 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone.
- Protocol of application, in accordance with the International Maritime Signage Organization, for maritime signage in Corisco Bay and the Muni River, signed in Cogo on June 23, 1962, between the Spanish Authorities and the Gabonese Services Authorities.
- Maritime charts.

II.- POINTS OF AGREEMENT

2-1.- Both Delegations have reaffirmed the validity of the Paris Convention (1900), which they adopt as a base document for delimitation of the maritime boundaries.

2-1.- The Convention on the Continental Shelf and the Convention on the Territorial Sea and the Contiguous Zone have not been ratified by Equatorial Guinea or by Gabon. Therefore, they may only be referred to strictly for informational purposes insofar as any of their provisions may provide an equitable solution to our specific problem. In any event, under no circumstance may it (sic) bind either party.

III.- PROPOSAL OF EQUATORIAL GUINEA

3-1.- Equatorial Guinea's proposal arises from the application of Decree Number 17/1970 of September 24, enacted by the President of the Republic of Equatorial Guinea, which establishes the limits of the territorial waters in Corisco Bay's zone of influence and of the adjacent islands to the South of the Rio Muni province.

Article 1.- The limits of the territorial waters of the adjacent islands and the islets located within Corisco Bay, to the South of the Rio Muni province, are determined as follows:

- a) Regarding the Elobey islands and the islets of Mbañe, Conga, and Cocotier, which are closer to Gabon's coast, the limit of the territorial waters has been established at a hypothetical equidistant point from Gabon's coast and from the islands and islets in question.
- b) The area located between the Elobey islands and the islets of Mbañe, Conga, and Cocotier and the island of Corisco is thus fixed,

WATER STREET TRANSLATIONS

TRANSLATION

- 3 -

since these islands and islets all belong to the same national territory.

c) The territorial waters of the island of Corisco extend to 12 miles seaward from the coast.

3-2.- This proposal is in accordance with the principle of equidistance promulgated by the Geneva Convention on the Territorial Sea (1958).

3-3.- The Equatoguinean Delegation affirms that it considers the islands of Corisco-Elobey Grande-Elobey Chico, Leva, Hoco, Mbañe, Cocotier and Conga as an integral part of the territory of Equatorial Guinea.

IV.- PROPOSAL OF THE GABONESE DELEGATION

4-1.- The Gabonese Delegation's proposal arises from the application of Order Nos. 1/72 PR and 5/1/72, which has expanded the limit of Gabon's territorial waters to 30 nautical miles. The maritime boundary between Equatorial Guinea and Gabon shall begin at the intersection point between the Muni River thalweg and a straight line drawn from the tip of Cocobeach to the tip of Dieke, pursuant to the Paris Convention. It shall continue westward, following the parallel passing through the point defined above.

A strip shall be reserved around the islands of Corisco, Elobey Chico and Elobey Grande, ceded to Spain under the Paris Treaty, measuring three nautical miles from their coasts, constituting the territorial sea under Equatoguinean jurisdiction, except with respect to its Southeast boundary, which shall be established by a broken line located equidistant from its coasts and from the closest Gabonese coast; i.e.:

1.- For Elobey island, a line defined by the following coordinates:

Point I: X = 561.900.

Point II: Y = 112.700.

Point LI: X = 560.600.

Y = 107.850.

Point III: X = 557.500.

Y = 104.700.

Point IV: X = 553.100.

Y = 101.900.

Point V: Intersection between the territorial waters line and the parallel Y = 112.700.

1.- For the island of Corisco:

Point VI: X = 545.800.

Y = 97.250.

Point VII: X = 540.400.

Y = 94.100.

Point VIII: X = 534.400.

Y = 91.000.

4-3.- Delimitation must be carried out via agreement, in accordance with equitable principles and must take into account all relevant circumstances in order to attribute to each party, to the fullest extent possible, the totality of the waters of the continental shelf under the sea and not mount on the natural extension of the other's territory.

TRANSLATION

V.- THE EQUATOGUINEAN DELEGATION'S OBJECTIONS TO GABON'S PROPOSAL AND ARGUMENTS

5-1.- The Republic of Equatorial Guinea does not agree with the Gabonese Delegation's proposal for the following reasons:

5-2.- Equatorial Guinea's sovereignty over the islands in question dates back to 1900, pursuant to the Treaty of Paris of June 27, 1900. Since then, France has recognized Spain's sovereignty over the islands in question until Gabon became an independent state. This sovereignty has also been recognized by the Gabonese State itself from 1960, when it gained independence, until 1970, when the initial disagreements concerning this problem arose.

5-3.- The equidistance system is the most reasonable and the fairest.

5-4.- Equatorial Guinea's sovereignty over the islands in question dates back to 1900 and access to these islands cannot be subjected to a simple right of way, as the Gabonese Delegation proposes.

5-5.- Each of the islands—Corisco, Elobey Grande, Elobey Chico, Mbañe, Cocotier, Leva, Hoco and Conga, which are under the sovereignty of the Republic of Equatorial Guinea—has its own territorial waters.

VI.- THE GABONESE DELEGATION'S OBJECTIONS TO EQUATORIAL GUINEA'S PROPOSAL AND ARGUMENTS

6-1.- The Gabonese Delegation disputes Equatoguinean sovereignty over any islands other than those explicitly referenced in Article 7 of the Treaty of Paris, and claims Gabon's rights to all other islands—with the exception of Corisco and the Elobeyes—located on the undersea area constituting the natural extension of its territory.

6-2.- An examination of the "isobaths" of Corisco Bay shows that all islands in this bay are located on the shelf comprising the natural extension of Gabonese territory.

6-3.- An examination of the geological structures further shows that all of the Equatoguinean territory is part of the ancient "African plateau" shelf, which is, again, on most of the African continent, (granite, stone), whereas the islands in Corisco Bay are part of the sedimentary formation whose Northern boundary passes through Lambarené and Cocobeach. This rightly confirms that all of these islands comprise the natural extension of the Gabonese continent.

6-4.- Legally speaking, absent any specific agreement, Gabon could have claimed ownership of all of the islands in Corisco Bay, pursuant to the statements in paragraphs 6-2 and 6-3 cited above. Despite the rights under the Treaty of Paris, Gabon waives any claim to the islands of Corisco and the Elobeyes but considers that all other islands not specified shall be returned to it by right, except where otherwise indicated by a convention or any other official act recognized as valid.

6-5.- We are dealing with islands located on the continental shelf (geographically and physically), comprising the natural extension of Gabonese territory located under the

TRANSLATION

- 5 -

jurisdiction of the other State and with no natural connection to the continental territory of such State.

6-6.- Moreover, an island may not be entitled to rights over the continental shelf to the same extent as continental territory is. In this case, the coastal line's irregularity and the presence of the Equatoguinean islands unreasonably deform the boundary line. It also fails to take into account the general direction of the coastline or the desirable ratio between the length of the coasts and the area of the portions of territory touching Corisco Bay on the one hand, and the area of territorial seas granted to each territory.

An exaggeration at such a level caused by a natural geographic feature must be offset or corrected as much as possible because it gives rise to unfairness.

6-7.- Based on the foregoing reasons, the Gabonese Delegation finds that these are special geographic circumstances and... (see omission) and that, consequently, it would be inequitable to exclusively apply the equidistance principle in establishing both States' maritime boundaries.

VII.- PLACEMENT OF MARITIME BEACONS

7-1.- As in the past, at Equatorial Guinea's express request and pursuant to the Cogo Protocol (1962), the Gabonese technical services are willing to continue to collaborate with their Equatoguinean counterparts to implement and maintain the beacons and maritime signage in the Muni River.

VIII.- RECOMMENDATIONS

8-1.- Over the course of the discussions, the two Governments' reciprocal interests have been considered, along with historical reasons, ethnic affinity, the relations of good neighborliness existing between the two countries, and the need for eminent cooperation in the future. The discussions have also taken into account the various provisions used in the peaceful settlement of maritime boundary delimitation disputes.

8-2.- The Delegations find it desirable to fulfill the following objectives:

- a) A commission of experts from both Countries shall draft the technical and legal reports that will serve as a guide in delimiting the maritime boundaries between both States.
- b) Upon conclusion of the reports and their approval by both Heads of State, the immediate delimitation of maritime waters must proceed by reaching an agreement between both States to definitively support the delimitation of maritime waters.

TRANSLATION

- 6 -

c) In the meantime, no unilateral action may be taken in the disputed zone without express consent from the other party.

8-3.- The significance of the case examined and the mutual desire to reach an equitable and definitive solution have prompted both Delegations to plan another meeting in Equatorial Guinea at a date to be set by mutual agreement and upon approval from their Heads of State.

Done in Libreville, on March 29, 1972

CHAIRMAN OF THE DELEGATION OF THE
REPUBLIC OF EQUATORIAL GUINEA
Minister of the Interior

CHAIRMAN OF THE DELEGATION
OF THE GABONESE REPUBLIC
Minister of State Responsible for
Agriculture, Livestock and Scientific
Research.

Angel Masié Ntútumu

Francois Ndong.

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor

New York, NY 10016

www.waterstreettranslations.com

(212) 776-1713

info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Mary Lewis, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/08/21

Date



ACTA LEVANTADA POR LA DELEGACION GABONESA-
GUINEA ECUATORIAL A RAIZ DE LA REUNION DE
LIBREVILLE DE 25 AL 29 DE MARZO DE 1.971

A invitación del Presidente de la República Gabonesa, las Delegaciones Guinea-Ecuatoriana y Gabonesa se reunieron en Libreville del 25 al 29 de marzo de 1.972 en vista de delimitar las fronteras marítimas de los dos Países

Las Delegaciones estaban compuestas como sigue:

POR LA REPUBLICA DE GUINEA ECUATORIAL:

Su Excelencia Angel MASIE NTUTUMU, Ministro del Interior, Jefe de la Delegación.

Su Excelencia Jesús Alfonso Cyono, Ministro de Obras Públicas, Vivienda y Transportes.

Don Bonifacio NGUEMA ESONO, Secretario General de Asuntos Exteriores.

Su Excelencia Clemente ATEBA NSOH, Embajador de Guinea Ecuatorial en Gabón.

Don Federico MESA BILL, Director General de la Presidencia de la República de Guinea Ecuatorial.

Don Agustín EDJANG OBAMA, Primer Secretario de la Embajada de Guinea Ecuatorial en Gabón.

POR LA DELEGACION GABONESA:

Sres. Francis NGUEMA NDONG, Ministro de Estado, Jefe de la Delegación.

Jean-Baptiste OBIANG EKOMIE, Jefe Adjunto de la Delegación

Benjamín NDUBOU, Ministro de la Función Pública y Reforma Administrativa.

León N'DONG, Secretario General de Asuntos Exteriores.

Alexis OBAME, Jefe de Asuntos Políticos y Africanos del Ministerio de Asuntos Exteriores.

Etienne MBOULIBA-MOUNDOUNGA, Director de la Administración General del Ministerio del Interior.

George BAKALE, Director de los Servicios Agrícolas.

Teniente Coronel NZONG, Adjunto del Comandante Superior de la Gendarmería nacional.

DAMAS Claude, Director del Puerto de Libreville.

ONETO Jean, Consejero Jurídico del Gobierno.

FANGUNOVENY Pierre, Embajador Volante

CABROL, Consejero Técnico de la Presidencia de la República

MOREL, Consejero Técnico del Ministerio de Minas.

- 2 -

BOUFANT León, Jefe del Servicio Marítimo y Fluvial, y
MAROLLES Jean, Consejero de la Presidencia.

I.- DOCUMENTOS DE REFERENCIA

Las dos Delegaciones han tomado nota de la existencia de los documentos siguientes:

- Convención entre Francia y España para la delimitación de las posiciones de los dos Países en África Occidental, sobre la Costa de Sáhara y sobre la Costa del Golfo de Guinea, firmada en París el 27 de junio de 1.900.

- Convención sobre la Plataforma continental establecida en Ginebra en 1.958.

- Convención sobre el Mar territorial y la Zona contigua establecida en Ginebra en 1.958.

- Protocolo de aplicación, conforme a la organización internacional de señalamiento marítimo, para el balizaje y el señalamiento de la bahía de Corisco y del río Muni, firmado el 23 de junio de 1.962 entre las Autoridades españolas y las Autoridades de los Servicios Gaboneses en Cogo.

- Cartas marítimas.

II.- PUNTOS EN LOS QUE HA HABIDO ACUERDO

2-1.- Las dos Delegaciones han reafirmado la validez de la Convención de París (1.900), que declaran adoptar como documento de base para la delimitación de las fronteras marítimas.

2-2.- La Convención sobre la plataforma continental, así como la Convención sobre el Mar territorial y la zona contigua, no han sido ratificadas ni por la Guinea Ecuatorial ni por el Gabón. No pueden, pues, ser aludidos sino a título puramente indicativo en la medida en que algunas de sus disposiciones son susceptibles de aportar una solución equitativa a nuestro problema particular. En todo estado de cosas, no puede en ningún caso comprometer una u otra parte.

III.- PROPUESTA DE LA GUINEA ECUATORIAL

3-I.- La proposición de la Guinea Ecuatorial emana de la aplicación del Decreto número 17/1970 fechado el 24 de septiembre, promulgado por el Presidente de la República de Guinea Ecuatorial, fijando los límites de las aguas territoriales de la zona de influencia de la bahía de Corisco y de las islas adyacentes al Sur de la provincia de Río Muni.

Artículo 1º.- Los límites de las aguas territoriales de las islas y de los islotes adyacentes situadas dentro de la bahía de Corisco, al Sur de la provincia de Río Muni, son determinados como sigue:

a) En lo que concierne a las islas de Elobey y los islotes de Mbañe, Conga y Cocotier, que se encuentran más próximas a la costa del Gabón, el límite de las aguas territoriales ha sido fijado en un punto hipotético equidistante de la costa del Gabón y de las islas e islotes en cuestión.

b) La zona situada entre las islas de Elobey y los islotes de Mbañe, Conga y Cocotier y la isla de Corisco se determina, pues, ya que

- 3 -

esas islas e islotes pertenecen todas a un mismo territorio nacional.

c) La extensión de las aguas territoriales de la isla de Corisco se amplía a 12 millas de la costa hacia altamar.

3-2.- Esta proposición es conforme al principio de la equidistancia promulgado por la Convención de Ginebra sobre el Mar territorial (1.958).

3-3.- La Delegación guineo-ecuatoriana afirma que considera las islas Corisco-Elobey Grande-Elobey Chico, Leva, Hoco, Mbañe, Cocotier y Conga como parte integrante del territorio de Guinea - Ecuatorial.

IV.- PROPUESTA DE LA DELEGACION GABONESA.

4-1.- La proposición de la Delegación gabonesa emana de la aplicación de la Ordenanza 1/72 PR y 5/1/72 que ha elevado a 30 millas marinas el límite de las aguas territoriales del Gabón. El límite marítimo entre la Guinea Ecuatorial y el Gabón partirá del punto de intersección del Thalweg del río Muni con la línea recta trazada desde la punta Cocobeach a la punta Dieke, conforme a la Convención de París. Se extenderá a continuación hacia el Oeste siguiendo el paralelo pasando por el punto arriba definido.

Será reservado alrededor de las islas Corisco, Elobey Chico y Elobey Grande, concedidas a España por el Tratado de París, una franja de 3 millas marinas a partir de sus costas constituyendo el mas territorial de jurisdicción guinea-ecuatoriana, salvo en lo que concierne a su frontera Sur-Este, que será limitada por una línea quebrada situada a igual distancia de sus costas y de la costa gabonesa más cercana; o sea:

1º.- Para la isla de Elobey, una línea definida por las coordenadas siguientes:

Punto	I: X =	561.900.
Punto	II: Y =	112.700.
Punto	III: X =	560.600.
	Y =	107.850.
Punto	III: X =	557.500.
	Y =	104.700.
Punto	IV: X =	553.100.
	Y =	101.900.
Punto	V: Intersección de la línea de las aguas territoriales con el paralelo	Y = 112.700.

2º.- Para la isla de Corisco:

Punto	VI: X =	545.800.
	Y =	97.250.
Punto	VII: X =	540.400.
	Y =	94.100.
Punto	VIII: X =	534.400.
	Y =	91.000.

4-3.- La delimitación debe operarse por medio de acuerdo conforme a los principios equitativos y tenida en cuenta de todas las circunstancias pertinentes, de manera a atribuir en todas las medidas posibles a cada parte la totalidad de las zonas de la plataforma continental bajo el mar y no monte sobre la prolongación natural del territorio del otro.

V.- OBJECCIONES DE LA DELEGACION GUINEA-ECUATORIANA A LA PROPOSICION GABONESA Y ARGUMENTACION.

5-1.- La República de Guinea Ecuatorial no está de acuerdo con la proposición de la Delegación Gabonesa por las razones siguientes:

5-2.- La soberanía de la Guinea Ecuatorial sobre las islas en cuestión data del año 1.900, según la Convención de París de 27 de Junio de 1.900. Esta soberanía ha sido reconocida desde entonces a España por Francia hasta que el Gabón se convirtió en estado independiente. Esta soberanía ha sido también reconocida por el mismo Estado Gabonés desde el año 1.960, fecha de su accesión a la independencia, hasta 1.970 en que se suscitaron las primeras discusiones sobre esta problema.

5-3.- El sistema de equidistancia es el más razonable y el más justo.

5-4.- La soberanía de la Guinea Ecuatorial sobre las islas en cuestión data de 1.900 y no puede hoy supeditar el acceso a estas islas a un simple derecho de paso como pretende la proposición de la Delegación Gabonesa.

5-5.- Cada una de las islas, Corisco, Elobey Grande, Elobey Chico, Mbañe, Cocotier, Leva, Hoco y Conga, que se encuentran bajo la soberanía de la República de Guinea Ecuatorial, tiene sus propias aguas territoriales.

VI.- OBJECCIONES DE LA DELEGACION GABONESA A LA PROPOSICION GUINEO-ECUATORIANA Y ARGUMENTACION.

6-1.- La Delegación Gabonesa discute la soberanía guinea-ecuatorial sobre las otras islas que no sean aquellas a las que se ha hecho alusión expresamente en el artículo 7 de la Convención de París, y reivindica los derechos del Gabón sobre todas las demás islas que no sean Corisco y Elobeyes, y situadas sobre la zona submarina constituyendo la prolongación natural de su territorio.

6-2.- El examen de los "isobatas" de la bahía de Corisco demuestra que todas las islas de esta bahía están situadas en el zócalo constituyendo la prolongación natural del territorio gabonés.

6-3.- El examen de las estructuras geológicas demuestran por otra parte que el conjunto del territorio guinea-ecuatorial hace parte de zócalo muy antiguo de la "meseta africana" que se encuentra de nuevo en la mayor parte del continente africano, (granito, gres), cuando las islas de la bahía de Corisco hacen parte de la formación sedimentaria cuyo límite Nor-Este pasa por Lambarené y Cocobeach, lo que confirme bien que todas estas islas constituyen la prolongación natural del continente gabonés.

6-4.- Jurídicamente, a falta de todo acuerdo particular, el Gabón habría podido reivindicar la propiedad de todas las islas de la bahía de Corisco, en virtud de cuanto se ha dicho en los párrafos 6-2 y 6-3 arriba citados. Sin embargo del derecho de la Convención de París, el Gabón renuncia a toda pretensión sobre las islas de Corisco y Elobeyes, pero considera que todas las otras islas no citadas vuelven nuevamente a él por derecho, salvo justificación contraria mediante una convención o cualquier otro acto oficial reconocido válido.

6-5.- Nos encontramos en presencia de islas situadas sobre la plataforma continental (Sentido geográfico y físico), constituyendo la prolongación natural del territorio gabonés situado bajo la ju-

- 5 -

jurisdicción de otro Estado y sin ninguna vinculación natural con el territorio continental de ese Estado.

6-6.- Por otra parte, una isla no puede tener en el mismo grado que el continente, vocación a derechos sobre la plataforma continental. En el caso que nos ocupa la irregularidad de la línea costera y la presencia de las islas guinea-ecuatorianas forma el límite de manera irrazonable y no tiene en cuenta ni de la orientación general de la línea de las costas, ni del informe deseable entre la longitud de las costas y la superficie de las partes de territorio bañadas por la bahía de Corisco de una parte y la superficie de mares territoriales concedidas a cada territorio.

Una exageración de una tal importancia debida a un accidente geográfico natural debe ser compensada o reparada en la medida de lo posible porque es creadora de injusticia.

6-7.- Por todas estas razones, la Delegación gabonesa estima que nos encontramos en presencia de circunstancias especiales y pertinentes de carácter geográfico y... (ver falta penosa) y que en consecuencia será inequitativo aplicar exclusivamente el principio de la equidistancia para establecer las fronteras marítimas de los dos Estados.

VII.- BALIZAJE MARITIMO.

7-1.- Los Servicios técnicos gaboneses están dispuestos a continuar como en el pasado, a petición expresa de la Guinea Ecuatorial, conforme al Protocolo de Cogo (1.962), a prestar su colaboración a los Servicios homólogos guinea-ecuatoriana, para la puesta en plaza y el entretenimiento del balizaje y la señalización marítima del río Muni.

VIII.- RECOMENDACIONES.

8-1.- En el curso de las conversaciones, se han tenido en cuenta los intereses recíprocos de los dos Gobiernos y de las razones históricas, de la afinidad étnica, de las relaciones de buena vecindad existentes entre los dos países y de la necesidad de una cooperación inminente en el futuro. Se ha tenido también en cuenta en las discusiones las diferentes normas utilizadas en la solución pacífica de los litigios sobre la delimitación de las fronteras marítimas.

8-2.- Las Delegaciones consideran como deseable, la realización de los objetivos siguientes:

a) Que una comisión de expertos de los dos Países redactará los informes técnicos y jurídicos que servirán de guía para la delimitación de las fronteras marítimas entre los dos Estados.

b) Una vez concluidos los informes y sancionados por los dos Jefes de Estado, deberá procederse a la delimitación inmediata de las aguas marítimas, concluyendo un acuerdo entre los dos Estados para respaldar definitivamente la delimitación de las aguas marítimas.

- 6 -

c) Entre tanto, ninguna acción unilateral podrá emprenderse dentro de la zona litigiosa sin el consentimiento expreso de la otra.

8-3.- La importancia del expediente examinado y el deseo mutuo de llegar a una solución equitativa y definitiva, han conducido a las dos Delegaciones a proveer una nueva reunión en Guinea Ecuatorial en una fecha que será fijada de común acuerdo previo entendimiento entre sus Jefes de Estado.

Hecho en Libreville, a 29 de marzo de 1.972

EL PRESIDENTE DE LA DELEGACION DE
LA REPUBLICA DE GUINEA ECUATORIAL
Ministro del Interior.

EL PRESIDENTE DE LA DELEGACION DE LA
REPUBLICA GABONESA
Ministro de Estado, Encargado de
Agricultura, Ganaderia y de la In-
vestigación Científica.

Angel Masié Ntítunu

Francois Ndong.

Annex 198

*Minutes of the Joint Gabon-Equatorial Guinea Commission's Meeting in Libreville
(25-29 March 1972)*

TRANSLATION

MINUTES DRAWN UP BY THE GABON-EQUATORIAL GUINEA JOINT COMMISSION
AFTER THE MEETING IN LIBREVILLE FROM MARCH 25 TO 29, 1972

0-----0

At the President of the Gabonese Republic's invitation, the Equatorial Guinean and
Gabonese Delegations met in Libreville from March 25 to 29, 1972, to delimit the
maritime borders between the two countries.

The Commission consisted of the following:

For the Republic of Equatorial Guinea:

His Excellency Angel Masie Ntutufu, Minister of the Interior, Delegation Chair,
His Excellency Alphonse Gyono, Minister of Public Works,
Bonifacio Nguema Esono, Secretary General of Foreign Affairs,
His Excellency Clément Ateba Nsoh, Ambassador of Equatorial Guinea to Gabon,
Federico Mesa Bil, Director General of the Presidency of the Republic,
Agustin Cojang Obama, First Secretary of Equatoguinean Embassy in Gabon

For the Gabonese Republic:

François Nguema Ndong, Minister of State, Delegation Chair
Jean-Baptiste Obiang Ekomie, Deputy Delegation Chair
Léon N'Dong, Secretary General of Foreign Affairs
Alexis Obame, Head of Political and African Affairs to the Ministry of Foreign Affairs
Etienne Masurba-Ngunoguenga, Director of the General Administration to the Ministry of
the Interior,
Georges Sekale, Director of Agricultural Services,
Lieutenant Colonel Nzong, Adjunct to the Senior Commander of the National Gendarmerie
Claude Damas, Director of the Port of Libreville
Jean Saeto, Government Legal Counsel

TRANSLATION

– 1 – (*bis*)

Pierre Fanguinoveny, Ambassador-at-Large
Mr. Cabrol, Technical Adviser to the President of the Republic,
Mr. Morel, Technical Adviser to the Ministry of Mines,
Mr. Léon Bouffant, Head of the Maritime Service, and
Mr. Jean Marolles, Advisor to the President

WATER STREET TRANSLATIONS

TRANSLATION

– 1 – (*ter*)

I – REFERENCE DOCUMENTS ([illegible])

The two Delegations acknowledged the existence of the following documents:

- Convention between France and Spain on the delimitation of the two countries' possessions in Western Africa, on the coasts of the Sahara and the Gulf of Guinea, signed in Paris on June 27, 1900.
- 1958 Geneva Convention on the Continental Shelf
- 1958 Geneva Convention on the Territorial Sea and Contiguous Zone.
- Implementing Protocol, according to the International Maritime Signage Organization for signals and buoys in Corisco Bay and the Muni River, signed in Cogo on June 23, 1962, between the Spanish Authorities and the Gabonese Services Authorities.
- Maritime maps.

II – POINTS OF AGREEMENT

2-1. The two Delegations confirmed the validity of the Paris Convention (1900) that they state that they adopted as a base document for delimitation of maritime boundaries.

2-2. Convention on the Continental Shelf and the Convention on the Territorial Sea and the Contiguous Zone have not been ratified by Equatorial Guinea or by Gabon. Thus, they can only be used as a reference for purely informational purposes insofar as any of their provisions may provide an equitable solution to our specific problem. In any event, they cannot under any circumstances be binding upon either of the parties.

TRANSLATION

– 2 –

III – PROPOSAL BY EQUATORIAL GUINEA

3-1. The proposal by Equatorial Guinea arises from application of Decree No. 17/1970 of September 24, 1970, enacted by the President of the Republic of Equatorial Guinea, establishing the limits of the territorial waters in Corisco Bay's zone of influence of and the adjacent islands to the south of the Rio Muni province.

Article 1: The limits of the territorial waters of the adjacent islands and islets located in Corisco Bay, to the south of the Rio Muni province, are determined as follows:

- a) With regard to the Elobey islands and the Bane, Conga and Cocotier islets, located nearest to the Gabon coast, the limit of the territorial waters was established at a hypothetical point equidistant from the Gabon coast and the islands and islets in question.
- b) The zone located between the Elobey islands and the Bane, Conga and Cocotier islets and Corisco Island is thus fixed, given that these islands and islets all belong to the same national territory.
- c) The territorial waters of Corisco island extend to 12 miles seaward from the coast.

3-2. This proposal is in accordance with the principle of equidistance established by the Geneva Convention on the Territorial Sea (1958).

3-3. The Equatoguinean Delegation confirms that it considers the Corisco, Elobey Grande, Elobey Chico, Leva, Hoco, Bâne, Cocotier and Conga islands as being an integral part of the territory of Equatorial Guinea.

TRANSLATION

– 3 –

IV – PROPOSAL OF THE GABONESE DELEGATION

4-1. The Gabonese delegation's proposal arises from the application of Order No. 1/72-PR [dated] January 5, 1972, which expanded the limit of Gabon's territorial waters at 30 nautical miles. The maritime boundary between Equatorial Guinea and Gabon would begin at the intersection point between the Muni River thalweg and a straight line drawn from Cocobeach Point to Dieke Point, pursuant to the Paris convention. It would then continue westward along the parallel, passing through the point defined above.

A band would be reserved around the Corisco, Elobey Chico and Elobey Grande islands, ceded to Spain under the Paris Treaty, measuring three nautical miles from their coasts constituting the territorial sea, under Equatorial Guinean jurisdiction, except with regard to their southeast boundary, which would be delimited by a broken line located equidistant from their coast to the nearest Gabonese coast, as follows:

1. For Elobey island, a line defined by the following coordinates:

Point I:	X = 561.900
Point II:	Y = 112.700
Point III	
Point III:	X = 560.600
	Y = 107.850
Point III:	X = 557.500
	Y = 104.700
Point IV:	X = 553.100
	Y = 101.900
Point V:	Intersection between the territorial waters line and the parallel Y = 112.700

2. For Corisco island, a line defined by the following coordinates:

Point VI:	X = 545.800
	Y = 97.250

WATER STREET TRANSLATIONS

TRANSLATION

– 4 –

Point VII: X = 540.400
 Y = 94.100
 Point VIII: X = 534.400
 Y = 91.000

4-3. The delimitation must be made by an agreement according to equitable principles, taking into account all pertinent circumstances, so as to attribute to each party to the greatest extent possible all of the underwater continental shelf zones without impinging upon the natural extension of the other's territory.

V –THE EQUATOGUINEAN DELEGATION'S OBJECTIONS TO GABON'S PROPOSAL AND ARGUMENT

5-1. The Republic of Equatorial Guinea does not agree with the Gabonese delegation's proposal for the following reasons:

5-2. Equatorial Guinea sovereignty over the islands in question dates back to 1900, pursuant to the Treaty of Paris of June 27, 1900. Since then, France has recognized Spain's sovereignty over the islands in question until Gabon became an independent state. This sovereignty was also recognized by the Gabonese State itself since 1960, when it gained independence, until 1970 when the first disagreements on this issue arose.

5-3. The equidistance approach is the most reasonable and fairest.

5-4. Equatorial Guinea's sovereignty over the islands in question dates back to 1900; today it cannot subject access to these islands to a simple right of way as claimed by the Gabonese delegation's proposal.

5-5. Each of the islands—Corisco, Elobey Grande, Elobey Chico, M'Bañá, Cocotier, Leva, Hoco and Conga, which are under the sovereignty of the Republic of Equatorial Guinea—has its own internal waters.

WATER STREET TRANSLATIONS

TRANSLATION

– 5 –

VI – THE GABONESE DELEGATION'S OBJECTIONS TO EQUATORIAL GUINEA'S PROPOSAL AND ARGUMENT

6-1. The Gabonese delegation disputes Equatorial Guinea's sovereignty over islands other than those expressly indicated in Article 7 of the Treaty of Paris, and claims Gabon's rights to all islands other than Corisco and Elobey located in the underwater zone constituting the natural extension of its territory.

6-2. An examination of the isobaths of Corisco Bay shows that all of the islands in this bay are located on the bedrock constituting the natural extension of the Gabonese territory.

6-3. An examination of the geological structures further shows that all of the Equatoguinean territory is part of the very ancient bedrock of the "African Shield" found on most of the African continent (granite, sandstone), whereas the Corisco Bay islands are part of the sedimentary formation whose northeast boundary goes through Lambaréné and Cocobeach. This indeed confirms that all of these islands constitute the natural extension of the Gabonese continent.

6-4. Legally speaking, in the absence of any specific agreement, Gabon would have been able to claim ownership of all of the Corisco Bay islands, pursuant to the statements in paragraphs 6-2 and 6-3 above. Despite the Treaty of Paris, Gabon waives all claims to the Corisco and Elobey islands but believes that it is legally entitled to all of the other islands not mentioned, unless otherwise justified by an agreement or any other official act recognized as valid.

6-5. We are faced with islands located on the continental shelf (in the geographical and physical sense) constituting the natural extension of the Gabonese territory, placed under the jurisdiction of another State with no natural connection to the continental territory of said State.

6-6. Furthermore, an island cannot be entitled to rights to the continental shelf, to the same extent as the continent. In the case at hand, the irregularity of the coastline and the presence of Equatorial Guinean islands distorts the boundary in an unreasonable manner. It does not take into account the general orientation of the coastline or the desired ratio between the length of the coasts and the area of the territories adjacent to Corisco Bay, on the one hand, and the area of territorial sea allocated to each territory, on the other hand.

An exaggeration of this importance due to a natural geographic feature must be compensated or shared insofar as possible because it creates inequity.

6-7. For all of these reasons, the Gabonese delegation believes that they are facing "special, pertinent circumstances of a geographical nature and...

TRANSLATION

– 6 –

(even a painful mistake) and that, as a result, it would be unfair to exclusively apply the principle of equidistance to establish the maritime boundaries of these two countries.

VII – MARITIME SIGNALING

7-1. The Gabonese technical departments are willing to continue cooperating, as in the past, at Equatorial Guinea's express request and pursuant to the Kogo Protocol (1962), with their Equatorial Guinean counterparts for installing and maintaining signals and buoys in the Muni River.

VIII –

8-1. The discussions took into account the mutual interests of both governments and the historical reasons, ethnic affinity, and the good neighbor relationship existing between both countries and the need for imminent cooperation in the future. The discussions also took into account the various rules used in peaceful settlement of maritime boundary delimitation disputes.

8-2. The delegations consider the following objectives to be desirable:

a) that a commission of International Experts of both countries draft the technical and legal documents to be used as a guideline for delimiting the maritime boundaries between the two States.

b) once an agreement is reached and approved by both Heads of State, immediately delimit the maritime waters by entering into an agreement between the two States to definitively give credence to the delimitation of maritime borders.

c) in the meantime, no unilateral action should be taken in the disputed zone without the express consent of the other party.

8-3. If necessary for clarification purposes, a third meeting may be scheduled in Equatorial Guinea or Gabon, as proposed by the two Heads of State.

Done in Libreville on March 29, 1972

THE PRESIDENT OF THE DELEGATION
OF THE REPUBLIC OF EQUATORIAL
GUINEA
Minister of the Interior

Angel Masie Ntutufu

THE PRESIDENT OF THE DELEGATION
OF THE GABONESE REPUBLIC
Minister of State in Charge of Agriculture,
Livestock and Scientific Research

François Nguema Ndong



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/12/21

Date



PROCES-VERBAL DRESSE PAR LA COMMISSION MIXE GABON-
GUINEE EQUATORIALE A L'ISSUE DE LA RENCONTRE DE
LIBREVILLE DU 25 AU 29 MARS 1972.-

000-000-000-000-000-0

Sur l'invitation du Président de la République Gabonaise, les Délégations Equato-Guinéenne et Gabonaise se sont rencontrées à Libreville du 25 au 29 Mars 1972 en vue de délimiter les frontières maritimes entre les deux Pays.

La Commission était composée comme ci-après :

Pour la République de Guinée Equatoriale :

Son Excellence Angel Masie NTUTUFU, Ministre de l'Intérieur,
Chef de la Délégation,

Son Excellence Alphonse BYONO, Ministre de Travaux Publics,
Bonifacio NGUENA ESONO, Secrétaire Général des Affaires
Etrangères,

Son Excellence Clément ATEBA NGOH, Ambassadeur de Guinée Equato-
Ginée, au Gabon,

Federico MESA BIL, Directeur Général à la Présidence de la
République,

Agustin LOJANS OSMKA, Premier Secrétaire Ambassade Guinée
Equatoriale au Gabon

Pour la République Gabonaise :

M. François NGUEMA NDONG, Ministre d'Etat, Chef de la Délégation

Jean-Baptiste OBIANG EKOMIE, Chef Adjoint de la Délégation

Léon N'DONG, Secrétaire Général des Affaires Etrangères

Alexis OBAME, Chef des Affaires Politiques et Africaines au
Ministère des Affaires Etrangères,

Etienne NGOUNGA-NDOUNGOUNGA, Directeur de l'Administration
Générale au Ministère de l'Intérieur,

Georges EKALE, Directeur des Services Agricoles

Lieutenant Colonel NZONG, Adjoint au Commandant Supérieur de
la Gendarmerie Nationale

DAVAS Claude, Directeur du Port de Libreville

CHETO Jean, Conseiller Juridique du Gouvernement

.../...

- 1 - (bis)

Mr. FANGUINDVENY Pierre, Ambassadeur Itinérant

MM. CABROL, Conseiller Technique à la Présidence de la République

MOREL, Conseiller Technique du Ministère de Mines,

BOUFFANT Léon, Chef du Service Maritime et

MAROLLES Jean, Conseiller à la Président.

1 (ter)

I - DOCUMENTS DE REFERENCE (10.)

Les deux Délégations ont pris note de l'existence des documents suivants :

- Convention entre la France et l'Espagne pour la délimitation des possessions des deux pays en Afrique Occidentale, sur la Côte de Sahara et sur la Côte du Golfe de Guinée, signé à Paris le 27 Juin 1900.

- Convention sur le Plateau continental établi à Genève en 1958.

- Convention sur la Mer Territoriale et la zone contigue établie à Genève en 1958.

- Protocole d'application, conformément à l'organisation internationale de signalisation maritime, pour le batissage et la signalisation de la Saie de Corisco et du Rio Muni, signé le 23 Juin 1962 entre les Autorités Espagnoles et les Autorités des services gabonais à Cogo.

- Cartes Maritimes.

II - POINTS D'ACCORD

2-1 Les deux Délégations ont réaffirmé la validité de la Convention de Paris (1900) qu'elles déclarent adopter comme document de base pour la délimitation des frontières maritimes.

2-2 La Convention sur le Plateau continental ainsi que la Convention sur la Mer Territoriale et la Zone contigue n'ont été ratifiées ni par la Guinée Equatoriale, ni par le Gabon. Il ne peut donc y être fait référence qu'à titre purement indicatif dans la mesure où certaines de leurs dispositions sont susceptibles d'apporter une solution équitable à notre problème particulier. En tout état de cause, elles ne peuvent en aucun cas engager l'une ou l'autre partie.

.../...

III - PROPOSITION DE LA GUINEE EQUATORIALE

3-1 La proposition de la Guinée Equatoriale découle de l'application du décret n° 17/1970 daté du 24 Septembre promulgué par le Président de la République de la Guinée-Equatoriale fixent les limites des eaux territoriales de la Zone d'influence de la baie de Corisco et des îles adjacentes au sud de la province de Rio Muni.

Article 1er. - Les limites des eaux territoriales des îles et des îlots adjacents situés dans la baie de Corisco, au Sud de la province de Rio Muni, sont déterminées comme suit

a) En ce qui concerne les îles d'Eloby et les îlots de Bano, Conga et Cocotier qui se trouvent les plus rapprochés de la côte du Gabon, la limite des eaux territoriales a été fixée en un point hypothétique équidistant de la côte du Gabon et des îles et îlots en question.

b) La zone située entre les îles d'Eloby et les îlots de Bano, Conga et Cocotier et l'île de Corisco est alors déterminée, étant donné que ces îles et îlots appartiennent tous au même territoire national.

c) L'étendue des eaux territoriales de l'île de Corisco est portée à 12 milles de la côte vers la haute mer.

3-2 Cette proposition est conforme au principe des équidistances édictés par la convention de Genève sur la mer territoriale (1958)

3-3 La Délégation équato-guinéenne affirme qu'elle considère les îles Corisco-Elobay-Grande-Elobay Chico, Leva, Moco, Bânâ, Cocotier- et Conga comme faisant partie intégrante du territoire de Guinée Equatoriale .

..../...

- 3 -

IV - PROPOSITION DE LA DELEGATION GABONAISE

4-1 La proposition de la délégation gabonaise découle de l'application de l'ordonnance 1/72-PR et 5/1/72 qui a porté à 30 milles marins la limite des eaux territoriales du Gabon. La limite maritime entre la Guinée Equatoriale et le Gabon partirait du point d'intersection du Thalweg de la rivière Mouni avec la ligne droite tirée de la pointe Cocobeach à la pointe Diske, conformément à la convention de Paris. Elle s'étendrait ensuite vers l'Ouest suivant le parallèle passant par le point ci-dessus défini.

Il serait réservé autour des îles Corisco, Elobey Chico et Elobey Grande, concédées à l'Espagne par le Traité de Paris, une ceinture de 3 milles marins à partir de leurs côtes constituant la mer territoriale, de juridiction équato-guinéenne, sauf en ce qui concerne leur frontière Sud-Est qui serait éliminée par une ligne brisée située à égale distance de leur côte et de la côte gabonaise la plus proche, soit :

1° Pour l'île Elobey, une ligne définie par les coordonnées suivantes :

Point I : X = 561.900

Point II : Y = 112.700

Point III : X = 560.600

Y = 107.250

Point III : X = 557.500

Y = 104.700

Point IV : X = 553.100

Y = 101.900

Point V : Intersection de la ligne des eaux territoriales avec le parallèle Y = 112.700.

2° Pour l'île Corisco : Une ligne définie par les coordonnées suivantes :

Point VI : X = 545.800

Y = 97.250

.../...

- 4 -

Point VII : X = 540.400

Y = 94.100

Point VIII: X = 534.400

Y = 91.000

4-3 - La délimitation doit s'opérer par voie d'accord conformément à des principes équitables et compte tenu de toutes les circonstances pertinentes, de manière à attribuer dans toute la mesure du possible, à chaque partie la totalité des zones au plateau continental sous la mer et n'empiète pas sur le prolongement naturel du territoire de l'autre.

V - OBJECTIONS DE LA DÉLÉGATION GABONAISE À LA PROPOSITION GABONAISE ET ARGUMENTATION.

5-1 La République de Guinée Equatoriale n'est pas d'accord avec la proposition de la délégation gabonaise pour les raisons suivantes :

5-2 La souveraineté de la Guinée Equatoriale sur les îles en question date de l'année 1900, d'après la Convention de Paris du 27 Juin 1900. Cette souveraineté a été reconnue depuis lors à l'Espagne par la France jusqu'à ce que le Gabon devienne un Etat indépendant. Cette souveraineté a été aussi reconnue par l'Etat gabonais lui-même depuis l'année 1960, date de son accession à l'indépendance, jusqu'en 1970 où s'élevèrent les premières discussions sur ce problème.

5-3 Le système de l'équidistance comme le plus raisonnable et le plus juste.

5-4 La Souveraineté de la Guinée Equatoriale sur les îles en question datant de 1900, elle ne peut aujourd'hui assujettir l'accès à ces îles sur un simple droit de passage comme le prétend la proposition de la délégation gabonaise.

5-5 Chacune des îles, Corisco, Elobey Grande, Elobey Chico, M'Bafia, Cocotier, Leva, Neco et Congo, sous la souveraineté de la République de Guinée Equatoriale, a ses propres eaux intérieures.

.../...

- 5 -

VI - OBJECTIONS DE LA DELEGATION GABONAISE A LA PROPOSITION EQUATO-GUINEENNE ET ARGUMENTATION .

6-1 La délégation gabonaise conteste la souveraineté-équato guinéenne sur les îles autres que celles auxquelles il est fait expressément allusion dans l'article 7 de la Convention de Paris, et revendique les droits du Gabon sur toutes les îles autres que Corisco et Elobey et situées sur la zone sous-marine constituant le prolongement naturel de son territoire.

6-2 L'Examen des isobathes de la Baie de Corisco montre que toutes les îles de cette baie sont situées sur la socle constituant le prolongement naturel du territoire gabonais.

6-3 L'examen des structures géologiques montre par ailleurs que l'ensemble du territoire équato-guinéen fait partie du socle très ancien du "Bouclier africain" que l'on retrouve dans la majeure partie du continent africain, (granite, grès), alors que les îles de la baie de Corisco font partie de la formation sédimentaire dont la limite Nord-Est passe par Lambaréné et Cocobeach, ce qui confirme bien que toutes ces îles constituent le prolongement naturel du continent Gabonais.

6-4 Juridiquement, en l'absence de tout accord particulier, le Gabon aurait pu de plein droit revendiquer la propriété de toutes les îles de la baie de Corisco, en vertu de ce qui a été dit aux paragraphes 6-2 et 6-3 ci-dessus. Cependant du fait de la Convention de Paris, le Gabon renonce à toute prétention sur les îles Corisco et Elobey mais considère que toutes les autres îles non citées lui reviennent de droit, sauf justification contraire par une convention ou tout autre acte officiel reconnu valable.

6-5 Nous nous trouvons en présence d'îles situées sur le plateau continental (sens géographique et physique) constituant le prolongement naturel du territoire gabonais placé sous la juridiction d'un autre état et n'ayant aucun rattachement naturel avec le territoire continental de cet état.

6-6 Par ailleurs, une île ne peut avoir au même degré que le continent vocation à des droits sur le plateau continental. Dans le cas qui nous préoccupe l'irrégularité de la ligne côtière et la présence des îles équato-guinéennes déforme la limite de façon déraisonnable et ne tient compte ni de l'orientation générale de la ligne des côtes, ni du rapport souhaitable entre la longueur des côtes et la superficie des parties de territoires baignées par la baie de Corisco d'une part et la superficie des mers territoriales concédées à chaque territoire.

Une exagération d'une telle importance due à un accident géographique naturel doit être compensée ou réparée dans la mesure du possible parce qu'elle est créatrice d'inéquité.

6-7 Pour toutes ces raisons la délégation gabonaise estime que l'on se trouve en présence de "circonstances spéciales et pertinentes de caractère

.../...

- 6 -

géographique et..(voir pénible faute) et qu'en conséquence, il serait inéquitable d'appliquer exclusivement le principe de l'équidistance pour établir les frontières maritimes des deux Etats.

VII - DELIMITATION MARITIME

7-1 Les services Techniques gabonais sont disposés à continuer, comme par le passé, à la demande expresse de la Guinée Equatoriale, conformément au Protocole de Kogo (1962), à piéter leur collaboration aux services homologues équato-guinéens pour la mise en place et l'entretien du balisage et la signalisation maritime de la rivière Mouni.

VIII -

8-1 Au cours des conversations, il a été tenu compte des intérêts réciproques des deux Gouvernements et des raisons historiques, de l'affinité ethnique, des relations de bon voisinage existant entre les deux pays et de la nécessité d'une coopération imminente à l'avenir. Il a aussi été tenu compte dans les discussions des différentes règles utilisées dans la solution pacifique des litiges sur la délimitation des frontières maritimes.

8-2 Les délégations considèrent comme souhaitable, la réalisation des objectifs suivants :

a) Qu'une Commission d'Experts Internationaux des deux pays rédige les documents techniques et juridiques qui serviront de guide pour la délimitation des frontières maritimes entre les deux Etats.

b) Une fois l'accord conclu et approuvé par les deux Chefs d'Etat, qu'il soit procédé à la délimitation immédiate des eaux maritimes en concluant un accord entre les deux Etats pour ajouter foi définitivement à la délimitation des eaux maritimes.

c) Entre temps aucune action unilatérale ne soit entreprise dans la zone litigieuse sans le consentement exprès de l'autre partie.

8-3 En cas de nécessité pour mise au point, une troisième rencontre pouvant être envisagée en Guinée Equatoriale ou au Gabon, sur proposition des deux Chefs d'Etat.

Fait à Libreville, le 29 Mars 1972

LE PRESIDENT DE LA DELEGATION DE LA
REPUBLIQUE GUINEE-EQUATORIALE.-

Ministre de l'Intérieur

Angel Basile NTUTUPU.-

LE PRESIDENT DE LA DELEGATION DE LA
REPUBLIQUE GABONAISE,

Ministre d'Etat, Chargé de l'Agriculture,
de l'Elevage et de la Recherche
Scientifique

François NGUEMA-NDONG.-

Annex 199

Report Prepared by the Gabon-Equatorial Guinea Joint Commission After the Meeting in Libreville from March 25 to 29, 1972, Libreville (25-29 March 1972)

TRANSLATION

REPORT PREPARED BY THE GABON-EQUATORIAL GUINEA JOINT COMMISSION AFTER
THE MEETING IN LIBREVILLE FROM MARCH 25 TO 29, 1972

0-----0

At the invitation of the President of the Gabonese Republic, the Equatorial Guinean and Gabonese Delegations met in Libreville from March 25 to 29, 1972, in order to delimit the maritime borders between the two countries.

The Commission consisted of the following:

For the Republic of Equatorial Guinea:

His Excellency Angel Masie Ntutufu, Minister of the Interior, Head of the Delegation,
His Excellency Alphonse Gyono, Minister of Public Works, Bonifacio Nguema Esono, Secretary
General of Foreign Affairs,
His Excellency Clémente Ateba Nsoh, Ambassador of Equatorial Guinea to Gabon,
Federico Mesa Bil, Director General to the President of the Republic,
Agustin Cojang Obama, First Secretary of the Equatorial Guinean Embassy in Gabon

For the Gabonese Republic:

François Nguema Ndong, Minister of State, Head of the Delegation
Jean-Baptiste Obiang Ekonomie, Deputy Head of the Delegation
Léon N'Dong, Secretary General of Foreign Affairs
Alexis Obame, Head of Political and African Affairs to the Ministry of Foreign Affairs
Etienne Masurba-Ngunoguenga, Director of the General Administration to the Ministry of
the Interior,
Georges Sekale, Director of Agricultural Services,
Lieutenant Colonel Nzong, Adjunct to the Senior Commander of the National Gendarmerie
Claude Damas, Director of the Port of Libreville
Jean Saeto, Government Legal Counsel

TRANSLATION

– 1 – (*bis*)

Pierre Fanguinoveny, Ambassador-at-Large
Mr. Cabrol, Technical Adviser to the President of the Republic,
Mr. Morel, Technical Adviser to the Ministry of Mines,
Mr. Léon Bouffant, Head of the Maritime Service, and
Mr. Jean Marolles, Advisor to the President

WATER STREET TRANSLATIONS

TRANSLATION

– 1 – (*ter*)

I – REFERENCE DOCUMENTS ([illegible])

The two Delegations acknowledged the existence of the following documents:

- Convention between France and Spain for delimitation of the possessions of the two countries in Western Africa, on the Sahara Coast and the Gulf of Guinea Coast, signed in Paris on June 27, 1900.

- Continental Shelf Convention issued in Geneva in 1958.

- Convention on the Territorial Sea and Contiguous Zone issued in Geneva in 1958.

- Implementing Protocol, according to the International Maritime Organization for signals and buoys in Corisco Bay and the Muni River, signed on June 23, 1962, between the Spanish Authorities and the Authorities of Gabonese services in Cogo.

- Maritime maps.

II – POINTS OF AGREEMENT

2-1. The two Delegations confirmed the validity of the Paris Convention (1900) that they state that they adopted as the basic document for delimitation of maritime borders.

2-2. The Continental Shelf Convention and the Convention on the Territorial Sea and Contiguous Zone were never ratified either by Equatorial Guinea or Gabon. Thus, they can only be used as a reference for purely informational purposes insofar as some provisions thereof are likely to provide an equitable solution to our particular problem. In any event, they cannot under any circumstances be binding upon either of the parties.

TRANSLATION

– 2 –

III – PROPOSAL BY EQUATORIAL GUINEA

3-1. The proposal by Equatorial Guinea is derived from application of Decree no. 17/1970 dated September 24, 1970, enacted by the President of the Republic of Equatorial Guinea, establishing the boundaries of territorial waters of the zone of influence of Corisco Bay and the adjacent islands in southern Rio Muni province.

Article 1: The boundaries of territorial waters of the islands and adjacent islets located in Corisco Bay in southern Rio Muni province are determined as follows:

- a) With regard to the Elobey islands and the Bane, Conga and Cocotier islets located nearest to the Gabon coast, the boundary of territorial waters was established at a hypothetical point equidistance from the Gabon coast and the islands and islets in question.
- b) The zone located between the Elobey islands and the Bane, Conga and Cocotier islets and Corisco island is thus determined, given that these islands and islets all belong to the same national territory.
- c) The scope of the territorial waters of Corisco island is 12 miles from the coast to open seas.

3-2. This proposal complies with the principle of equidistance established by the Geneva Convention on the Territorial Sea (1958).

3-3. the Equatorial Guinean Delegation confirms that it considers the Corisco, Elobey Grande, Elobey Chico, Leva, Hoco, Bâne, Cocotier and Conga islands as being an integral part of the territory of Equatorial Guinea.

TRANSLATION

– 3 –

IV – PROPOSAL OF THE GABONESE DELEGATION

4-1. The proposal of the Gabonese delegation is derived from application of order 1/72-PR [dated] January 5, 1972, which established the boundary of Gabon's territorial waters at 30 nautical miles. The maritime boundary between Equatorial Guinea and Gabon would begin at the Thalweg intersection point of the Muni river with the straight line drawn from Cocobeach Point to Dieke Point, according to the Paris convention. It would then extend to the west along the parallel, passing through the point defined above.

A band of 3 nautical miles would be reserved around the Corisco, Elobey Chico and Elobey Grande islands, conceded to Spain by the Paris Treaty, from their coasts constituting the territorial sea, under Equatorial Guinean jurisdiction, except with regard to their southeast border, which would be delimited by a broken line located at an equal distance from their coast to the nearest Gabonese coast, as follows:

1. For Elobey island, a line defined by the following coordinates:

Point I:	X = 561.900
Point II:	Y = 112.700
Point III	
Point III:	X = 560.600
	Y = 107.850
Point III:	X = 557.500
	Y = 104.700
Point IV:	X = 553.100
	Y = 101.900
Point V:	Intersection of the line of the territorial waters with the parallel Y = 112.700

2. For Corisco island, a line defined by the following coordinates:

Point VI:	X = 545.800
	Y = 97.250

WATER STREET TRANSLATIONS

TRANSLATION

– 4 –

Point VII:	X = 540.400
	Y = 94.100
Point VIII:	X = 534.400
	Y = 91.000

4-3. The delimitation must be made by an agreement according to equitable principles, taking into account all pertinent circumstances, so as to attribute to each party to the greatest extent possible all of the underwater continental shelf zones without impinging upon the natural extent of the territory of the other.

V – OBJECTIONS OF THE EQUATORIAL GUINEAN DELEGATION TO THE GABONESE PROPOSAL AND ARGUMENT

5-1. The Republic of Equatorial Guinea does not agree with the proposal of the Gabonese delegation for the following reasons:

5-2. The sovereignty of Equatorial Guinea to the islands in question dates back to 1900, according to the Paris Convention of June 27, 1900. This sovereignty has been recognized since then for Spain by France until Gabon becomes an independent state. This sovereignty was also recognized by the Gabonese State itself since 1960, the date of its accession to independence, until 1970 when the first discussions were held regarding this issue.

5-3. The system of equidistance as the most reasonable and fairest.

5-4. The sovereignty of Equatorial Guinea to the islands in question dates back to 1900; today it cannot subject access to these islands to a simple right of way as claimed by the proposal of the Gabonese delegation.

5-5. Each of the islands—Corisco, Elobey Grande, Elobey Chico, M'Bañá, Cocotier, Leva, Hoco and Conga—under the sovereignty of the Republic of Equatorial Guinea, has its own internal waters.

TRANSLATION

– 5 –

VI – OBJECTIONS OF THE GABONESE DELEGATION TO THE EQUATORIAL GUINEAN PROPOSAL AND ARGUMENT

6-1. The Gabonese delegation disputes the Equatorial Guinean sovereignty over islands other than those expressly indicated in article 7 of the Paris Convention, and claims Gabon's rights to all islands other than Corisco and Elobey located in the underwater zone constituting the natural extension of its territory.

6-2. An examination of the isobaths of Corisco Bay shows that all of the islands in this bay are located on the bedrock constituting the natural extension of the Gabonese territory.

6-3. An examination of the geological structures further shows that all of the Equatorial Guinean territory is part of the very ancient bedrock of the "African Shield" found in most of the African continent (granite, sandstone), whereas the Corisco Bay islands are part of the sedimentary formation of which the northeast boundary goes through Lambaréné and Cocobeach, which indeed confirms that all of these islands constitute the natural extension of the Gabonese continent.

6-4. Legally, in the absence of any specific agreement, Gabon would have been legally able to claim ownership of all of the Corisco Bay islands, by virtue of the provisions of paragraphs 6-2 and 6-3 above. Despite the Paris Convention, Gabon waives all claims to the Corisco and Elobey islands but believes that it is legally entitled to all of the other islands not mentioned, unless otherwise justified by an agreement or any other official act recognized as valid.

6-5. We are faced with islands located on the continental shelf (in the geographical and physical sense) constituting the natural extension of the Gabonese territory, placed under the jurisdiction of another State with no natural connection to the continental territory of said State.

6-6. Furthermore, an island cannot be entitled to rights to the continental shelf, to the same extent as the continent. In the case at hand, the irregularity of the coastline and the presence of Equatorial Guinean islands distorts the boundary in an unreasonable manner and does not take into account the general orientation of the coastline or the desired ratio between the length of the coasts and the area of the territories adjacent to Corisco Bay, on the one hand, and the area of territorial sea allocated to each territory, on the other hand.

An exaggeration of this importance due to a natural geographic feature must be compensated or shared insofar as possible because it creates inequity.

6-7. For all of these reasons, the Gabonese delegation believes that they are facing "special, pertinent circumstances of a geographical nature and...

TRANSLATION

– 6 –

(even a painful mistake) and that as a result, it would be unfair to exclusively apply the principle of equidistance to establish the maritime borders of these two countries.

VII – MARITIME SIGNALING

7-1. The Gabonese technical departments are willing to continue cooperating, as in the past, at the express request of Equatorial Guinea, according to the [illegible—Kogo?] Protocol, with their Equatorial Guinean counterparts for installing and maintaining signals and buoys in the Muni River.

VIII –

8-1. The discussions took into account the mutual interests of both governments and the historical reasons, ethnic affinity, and the good neighbor relationship existing between both countries and the need for imminent cooperation in the future. The discussions also took into account the various rules used in peaceful settlement of disputes on maritime border delimitation.

8-2. The delegations consider the following objectives to be desirable:

a) a committee of International Experts of both countries to draft the technical and legal documents to be used as a guideline for delimitation of maritime borders between the two States.

b) once an agreement is reached and approved by both Heads of State, to immediately delimit the maritime waters by entering into an agreement between the two States to definitively give credence to the delimitation of maritime borders.

c) in the meantime, no unilateral action should be taken in the disputed zone without the express consent of the other party.

8-3. If necessary for clarification purposes, a third meeting may be scheduled in Equatorial Guinea or Gabon, as proposed by the two Heads of State.

Done in Libreville on March 29, 1972

THE PRESIDENT OF THE DELEGATION
OF THE REPUBLIC OF EQUATORIAL
GUINEA
Minister of the Interior

Angel Masie Ntutufu

THE PRESIDENT OF THE DELEGATION
OF THE GABONESE REPUBLIC
Minister of State in Charge of Agriculture,
Livestock and Scientific Research

François Nguema Ndong



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

03/19/21

Date



PROCES-VERBAL DRESSE PAR LA COMMISSION MIXE GABON-
GUINÉE EQUATORIALE A L'ISSUE DE LA RENCONTRE DE
LIBREVILLE DU 25 AU 29 MARS 1972.-

00000000000000000000 0

Sur l'invitation du Président de la République Gabonaise, les Délégations Equato-Guinéenne et Gabonaise se sont rencontrées à Libreville du 25 au 29 Mars 1972 en vue de délimiter les frontières maritimes entre les deux Pays.

La Commission était composée comme ci-après :

Pour la République de Guinée Equatoriale :

Son Excellence Angel Masie NTUTUFO, Ministre de l'Intérieur,
Chef de la Délégation,

Son Excellence Alphonse BYONO, Ministre de Travaux Publics,
Bonifacio NGUEMA ESONO, Secrétaire Général des Affaires
Etrangères,

Son Excellence Clément ATEBA NGOH, Ambassadeur de Guinée Equato-
Ginée, au Gabon,

Federico MESA BIL, Directeur Général à la Présidence de la
République,

Agustin EDOJANG OUMKA, Premier Secrétaire Ambassade Guinée
Equatoriale au Gabon

Pour la République Gabonaise :

M. François NGUEMA NDONG, Ministre d'Etat, Chef de la Délégation

Jean-Baptiste OBIANG EKOMIE, Chef Adjoint de la Délégation

Léon N'DONG, Secrétaire Général des Affaires Etrangères

Alexis OBAME, Chef des Affaires Politiques et Africaines au
Ministère des Affaires Etrangères,

Etienne NGOUNGA-BOUNBOUNGA, Directeur de l'Administration
Générale au Ministère de l'Intérieur,

Georges BEKALE, Directeur des Services Agricoles

Lieutenant Colonel NZONG, Adjoint au Commandant Supérieur de
la Gendarmerie Nationale

DAVAS Claude, Directeur du Port de Libreville

CHETO Juan, Conseiller Juridique du Gouvernement

.../...

- 1 - (bis)

Mr. FANGUINDVENY Pierre, Ambassadeur Itinérant

MM. CABROL, Conseiller Technique à la Présidence de la République

MOREL, Conseiller Technique du Ministère de Mines,

BOUFFANT Léon, Chef du Service Maritime et

MAROLLES Jean, Conseiller à la Président.

-:-:-:-:-

1 (ter)

I - DOCUMENTS DE REFERENCE (10.)

Les deux Délégations ont pris note de l'existence des documents suivants :

- Convention entre la France et l'Espagne pour la délimitation des possessions des deux pays en Afrique Occidentale, sur la Côte de Sahara et sur la Côte du Golfe de Guinée, signé à Paris le 27 Juin 1900.

- Convention sur le Plateau continental établi à Genève en 1958.

- Convention sur la Mer Territoriale et la zone contigue établie à Genève en 1958.

- Protocole d'application, conformément à l'organisation internationale de signalisation maritime, pour le batissage et la signalisation de la Saie de Corisco et du Rio Muni, signé le 23 Juin 1962 entre les Autorités Espagnoles et les Autorités des services gabonais à Cogo.

- Cartes Maritimes.

II - POINTS D'ACCORD

2-1 Les deux Délégations ont réaffirmé la validité de la Convention de Paris (1900) qu'elles déclarent adopter comme document de base pour la délimitation des frontières maritimes.

2-2 La Convention sur le Plateau continental ainsi que la Convention sur la Mer Territoriale et la Zone contigue n'ont été ratifiées ni par la Guinée Equatoriale, ni par le Gabon. Il ne peut donc y être fait référence qu'à titre purement indicatif dans la mesure où certaines de leurs dispositions sont susceptibles d'apporter une solution équitable à notre problème particulier. En tout état de cause, elles ne peuvent en aucun cas engager l'une ou l'autre partie.

.../...

III - PROPOSITION DE LA GUINEE EQUATORIALE

3-1 La proposition de la Guinée Equatoriale découle de l'application du décret n° 17/1970 daté du 24 Septembre promulgué par le Président de la République de la Guinée-Equatoriale fixent les limites des eaux territoriales de la Zone d'influence de la baie de Corisco et des îles adjacentes au sud de la province de Rio Muni.

Article 1er. - Les limites des eaux territoriales des îles et des îlots adjacents situés dans la baie de Corisco, au Sud de la province de Rio Muni, sont déterminées comme suit

a) En ce qui concerne les îles d'Eloby et les îlots de Bano, Conga et Cocotier qui se trouvent les plus rapprochés de la côte du Gabon, la limite des eaux territoriales a été fixée en un point hypothétique équidistant de la côte du Gabon et des îles et îlots en question.

b) La zone située entre les îles d'Eloby et les îlots de Bano, Conga et Cocotier et l'île de Corisco est alors déterminée, étant donné que ces îles et îlots appartiennent tous au même territoire national.

c) L'étendue des eaux territoriales de l'île de Corisco est portée à 12 milles de la côte vers la haute mer.

3-2 Cette proposition est conforme au principe des équidistances édictés par la convention de Genève sur la mer territoriale (1958)

3-3 La Délégation équato-guinéenne affirme qu'elle considère les îles Corisco-Elabay-Grande-Elcbay Chico, Leva, Moco, Bânâ, Cocotier- et Conga comme faisant partie intégrante du territoire de Guinée Equatoriale .

..../...

- 3 -

IV - PROPOSITION DE LA DELEGATION GABONAISE

4-1 La proposition de la délégation gabonaise découle de l'application de l'ordonnance 1/72-PR et 5/1/72 qui a porté à 30 milles marins la limite des eaux territoriales du Gabon. La limite maritime entre la Guinée Equatoriale et le Gabon partirait du point d'intersection du Thalweg de la rivière Mouni avec la ligne droite tirée de la pointe Cocobeach à la pointe Diske, conformément à la convention de Paris. Elle s'étendrait ensuite vers l'Ouest suivant le parallèle passant par le point ci-dessus défini.

Il serait réservé autour des îles Corisco, Elebey Chico et Elebey Grande, concédées à l'Espagne par le Traité de Paris, une ceinture de 3 milles marins à partir de leurs côtes constituant la mer territoriale, de juridiction équato-guinéenne, sauf en ce qui concerne leur frontière Sud-Est qui serait éliminée par une ligne brisée située à égale distance de leur côte et de la côte gabonaise la plus proche, soit :

1° Pour l'île Elebey, une ligne définie par les coordonnées suivantes :

Point I : X = 561.900

Point II : Y = 112.700

Point III : X = 560.600

Y = 107.250

Point III : X = 557.500

Y = 104.700

Point IV : X = 553.100

Y = 101.900

Point V : Intersection de la ligne des eaux territoriales avec le parallèle Y = 112.700.

2° Pour l'île Corisco : Une ligne définie par les coordonnées suivantes :

Point VI : X = 545.800

Y = 97.250

.../...

- 4 -

Point VII : X = 540.400

Y = 94.100

Point VIII: X = 534.400

Y = 91.000

4-3 - La délimitation doit s'opérer par voie d'accord conformément à des principes équitables et compte tenu de toutes les circonstances pertinentes, de manière à attribuer dans toute la mesure du possible, à chaque partie la totalité des zones au plateau continental sous la mer et n'empiète pas sur le prolongement naturel du territoire de l'autre.

V - OBJECTIONS DE LA DÉLÉGATION ÉQUATO-GUINEENNE A LA PROPOSITION GABONAISE ET ARGENTINE.

5-1 La République de Guinée Equatoriale n'est pas d'accord avec la proposition de la délégation gabonaise pour les raisons suivantes :

5-2 La souveraineté de la Guinée Equatoriale sur les îles en question date de l'année 1900, d'après la Convention de Paris du 27 Juin 1900. Cette souveraineté a été reconnue depuis lors à l'Espagne par la France jusqu'à ce que le Gabon devienne un Etat indépendant. Cette souveraineté a été aussi reconnue par l'Etat gabonais lui-même depuis l'année 1960, date de son accession à l'indépendance, jusqu'en 1970 où s'élevèrent les premières discussions sur ce problème.

5-3 Le système de l'équidistance comme le plus raisonnable et le plus juste.

5-4 La Souveraineté de la Guinée Equatoriale sur les îles en question datant de 1900, elle ne peut aujourd'hui assujettir l'accès à ces îles sur un simple droit de passage comme le prétend la proposition de la délégation gabonaise.

5-5 Chacune des îles, Corisco, Elobey Grande, Elobey Chico, M'Baña, Cocotier, Leva, Neco et Congo, sous la souveraineté de la République de Guinée Equatoriale, a ses propres eaux intérieures.

.../...

VI - OBJECTIONS DE LA DÉLÉGATION GABONAISE A LA PROPOSITION ÉQUATO-GUINÉENNE ET ARGUMENTATION.

6-1 La délégation gabonaise conteste la souveraineté-équato guinéenne sur les îles autres que celles auxquelles il est fait expressément allusion dans l'article 7 de la Convention de Paris, et revendique les droits du Gabon sur toutes les îles autres que Corisco et Elobey et situées sur la zone sous-marine constituant le prolongement naturel de son territoire.

6-2 L'Examen des isobathes de la Baie de Corisco montre que toutes les îles de cette baie sont situées sur la socle constituant le prolongement naturel du territoire gabonais.

6-3 L'examen des structures géologiques montre par ailleurs que l'ensemble du territoire équato-guinéen fait partie du socle très ancien du "Bouclier africain" que l'on retrouve dans la majeure partie du continent africain, (granite, grès), alors que les îles de la baie de Corisco font partie de la formation sédimentaire dont la limite Nord-Est passe par Lembaréné et Cocobeach, ce qui confirme bien que toutes ces îles constituent le prolongement naturel du continent Gabonais.

6-4 Juridiquement, en l'absence de tout accord particulier, le Gabon aurait pu de plein droit revendiquer la propriété de toutes les îles de la baie de Corisco, en vertu de ce qui a été dit aux paragraphes 6-2 et 6-3 ci-dessus. Cependant du fait de la Convention de Paris, le Gabon renonce à toute prétention sur les îles Corisco et Elobey mais considère que toutes les autres îles non citées lui reviennent de droit, sauf justification contraire par une convention ou tout autre acte officiel reconnu valable.

6-5 Nous nous trouvons en présence d'îles situées sur le plateau continental (sens géographique et physique) constituant le prolongement naturel du territoire gabonais placé sous la juridiction d'un autre État et n'ayant aucun rattachement naturel avec le territoire continental de cet État.

6-6 Par ailleurs, une île ne peut avoir au même degré que le continent vocation à des droits sur le plateau continental. Dans le cas qui nous préoccupe l'irrégularité de la ligne côtière et la présence des îles équato-guinéennes déforme la limite de façon déraisonnable et ne tient compte ni de l'orientation générale de la ligne des côtes, ni du rapport souhaitable entre la longueur des côtes et la superficie des parties de territoires baignées par la baie de Corisco d'une part et la superficie des mers territoriales concédées à chaque territoire.

Une exagération d'une telle importance due à un accident géographique naturel doit être compensée ou réparée dans la mesure du possible parce qu'elle est créatrice d'inéquité.

6-7 Pour toutes ces raisons la délégation gabonaise estime que l'on se trouve en présence de "circonstances spéciales et pertinentes de caractère

.../...

- 6 -

géographique et..(voir pénible faute) et qu'en conséquence, il serait inéquitable d'appliquer exclusivement le principe de l'équidistance pour établir les frontières maritimes des deux Etats.

VII - BALLISAGE MARITIME

7-1 Les services Techniques gabonais sont disposés à continuer, comme par le passé, à la demande expresse de la Guinée Equatoriale, conformément au Protocole de Kogo (1962), à piéster leur collaboration aux services homologues équato-guinéens pour la mise en place et l'entretien du balisage et la signalisation maritime de la rivière Mouni.

VIII -

8-1 Au cours des conversations, il a été tenu compte des intérêts réciproques des deux Gouvernements et des raisons historiques, de l'affinité ethnique, des relations de bon voisinage existant entre les deux pays et de la nécessité d'une coopération imminente à l'avenir. Il a aussi été tenu compte dans les discussions des différentes règles utilisées dans la solution pacifique des litiges sur la délimitation des frontières maritimes.

8-2 Les délégations considèrent comme souhaitable, la réalisation des objectifs suivants :

a) Qu'une Commission d'Experts Internationaux des deux pays rédige les documents techniques et juridiques qui serviront de guide pour la délimitation des frontières maritimes entre les deux Etats.

b) Une fois l'accord conclu et approuvé par les deux Chefs d'Etat, qu'il soit procédé à la délimitation immédiate des eaux maritimes en concluant un accord entre les deux Etats pour ajouter foi définitivement à la délimitation des eaux maritimes.

c) Entre temps aucune action unilatérale ne soit entreprise dans la zone litigieuse sans le consentement exprès de l'autre partie.

8-3 En cas de nécessité pour mise au point, une troisième rencontre pouvant être envisagée en Guinée Equatoriale ou au Gabon, sur proposition des deux Chefs d'Etat.

Fait à Libreville, le 29 Mars 1972

LE PRESIDENT DE LA DELEGATION DE LA
REPUBLICQUE GUINEE-EQUATORIALE.-

Ministre de l'Intérieur

Angel Basile NTUTUPU.-

LE PRESIDENT DE LA DELEGATION DE LA
REPUBLICQUE GABONAISE,

Ministre d'Etat, Chargé de l'Agriculture,
de l'Elevage et de la Recherche
Scientifique

François NGUEMA-NDONG.-

Annex 200

Conference of the Heads of State and Government of Central and East Africa, Dar es Salaam, 7-9 September 1972, *Joint Communiqué on the Work of the Conference on Settlement of the Dispute Between Equatorial Guinea and Gabon*, as recorded by the Embassy of the United States to the Republic of Zaire (18 September 1972)

RECORDED AT THE NATIONAL ARCHIVES

FO
encl 3
WSUN 17388

ANNEX

KINSHASA, 18 September 1972

The work of the Conference on Settlement of the Dispute between Equatorial Guinea and Gabon was confirmed in a joint communiqué made public by Citizen EKETEBI MOYIDIBA MONDJOLOMBA, National Counsellor for Transport and Communications and Acting National Counsellor for Foreign Affairs.

The communiqué reads as follows:

"In accordance with the mission entrusted to them by the Conference of Heads of State and Government of Central and East Africa, which met at Dar es Salaam from 7 to 9 September 1972, and with a view to assisting in the settlement, by peaceful means and in a spirit of good-neighbourliness and African solidarity and fraternity, of the dispute between the Gabonese Republic and the Republic of Equatorial Guinea,

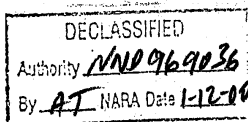
"The President of the People's Republic of the Congo, H.E. Marien NGOUABI, and the President of the Republic of Zaire, H.E. MOBUTU SESE SEKO, invited Their Excellencies President Albert Bernard BONGO and President Francisco Macias NGUEMA to a summit meeting, which was held at Kinshasa on 17 September 1972.

"At the end of the talks, which took place in an atmosphere of mutual and fraternal understanding, Their Excellencies President Albert Bernard BONGO and President Francisco Macias NGUEMA decided as follows:

1. To settle their dispute within the African context and by peaceful means;
2. To renounce any use of force;
3. To desist immediately from any form of reciprocal attack in the news media, written or oral.

"To that end, the four heads of State agreed to establish a commission composed of the representatives of the Gabonese Republic, the People's Republic of the Congo, the Republic of Equatorial Guinea and the Republic of Zaire to consider all aspects of the problem, to engage in any necessary consultations and to recommend ways and means likely to lead to a final resolution of the dispute in question.

"The commission will submit its report to the four heads of State, who will meet at Brazzaville as soon as possible.



Annex 201

Conference of the Heads of State and Government of Central and East Africa, Second Session, *Final Communiqué Regarding the Dispute Between Equatorial Guinea and Gabon* (13 November 1972)

TRANSLATION

Final Communiqué

In accordance with the mandate entrusted to them by the Central and East African Heads of State Conference (held in Dar es Salaam from September 7 to 9, 1972) and to facilitate a peaceful settlement—within a spirit of good neighborliness, solidarity, and African brotherhood—the dispute between the Gabonese Republic and the Republic of Equatorial Guinea (mandate which was similarly approved by the acting President in the 9th session of the Conference of the Heads of State and Government of the OAU, His Majesty King Hassan II of Morocco):

Their Excellencies Presidents MOBUTU SESE SEKO of Zaire and Marien N'GOUABI of the People's Republic of the Congo convoked the second session of the Conference of the Heads of State of Gabon, Equatorial Guinea, Congo, and Zaire regarding the Gabon-Equatorial Guinea dispute. Said Conference took place in Brazzaville from November 11 to 13, 1972. His Excellency NZO EKANGAKI, Administrative Secretary-General represented the Organization of African Unity in this session.

The two Heads of State mediators heard Presidents Albert-Bernard BONGO and FRANCISCO MACIAS NGUEMA's remarks regarding the report of the work of the second ministerial session of the OAU ad hoc Commission on the Gabon-Equatorial Guinea dispute. Said session was held in Kinshasa from November 2 to 4, 1972.

Following extensive exchanges of views and

TRANSLATION

detailed discussions in a climate of frankness, sincerity, and mutual understanding; Their Excellencies President Albert-Bernard BONGO and President FRANCISCO MACIAS NGUEMA,

1. Agreed on:

A – The neutralization of the disputed zone in Corisco Bay;

B – The delimitation by the OAU ad hoc Commission of the maritime boundary between the Gabonese Republic and the Republic of Equatorial Guinea in Corisco Bay, in accordance with the spirit of the Charter of the Organization of African Unity, and

2. Undertook to comply with the spirit of the Brazzaville Conference held November 11 to 13, 1972.

President Marien N'GOUABI; President MOBUTU SESE SEKA; and Mr. NZO EKANGAKI, Administrative Secretary-General of the Organization of African Unity, congratulated Presidents Albert-Bernard BONGO of Gabon and FRANCISCO MACIAS NGUEMA of Equatorial Guinea for their common will to resolve the dispute through peaceful means and within the spirit of the Charter of the Organization of African Unity.

On this occasion, the Heads of State of the Gabonese Republic and the Republic of Equatorial Guinea expressed their sincere gratitude towards the Presidents of the People's Republic of the Congo and the Republic of Zaire for their kindred assistance, remarkable mediation efforts, and the patience they have shown in accordance with the mandate of the 8th session of the

TRANSLATION

Central and East African Heads of State Conference.

The President of the Gabonese Republic, the President of the Republic of Equatorial Guinea, the President of the Republic of Zaire, and the Secretary-General of OAU expressed to His Excellency, the President of the People's Republic of the Congo, to his Government; and to his people, their sincere appreciation for the warm and brotherly welcome offered to them and to their respective delegations.

For the Gabonese Republic
H.E. Albert-Bernard BONGO
[signature]

For the Republic of Equatorial Guinea
H.E. Francisco Macias NGUEMA
[signature]

For the People's Republic of the Congo
H.E. Marien N'GOUABI
[signature]

For the Republic of Zaire
H.E. MOBUTU SESE SEKO
[signature]

For the Secretary-General of OAU
H.E. NZO EKANGAKI
[signature]

In Brazzaville on November 13, 1972.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016

www.waterstreettranslations.com

(212) 776-1713

info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Timothy Friese, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."



Kent G. Heine
Water Street Translations, LLC

09/08/21

Date



COMUNICADO FINAL

Conforme al mandato que les ha sido confiado por la Conferencia de los Jefes de Estado de Africa Central y Oriental que tuvo lugar en DAR-ES-SALAAM del 7 al 9 de Septiembre de 1.972, al objeto de ayudar en el arreglo por vías pacíficas y dentro de un espíritu de buena vecindad, de solidaridad y de fraternidad africana, de la diferencia existente entre la República Gabonesa y la República de Guinea Ecuatorial, mandato que fué aprobado por el Presidente en ejercicio de la 9ª Sesión de la Conferencia de Jefes de Estado y de Gobierno de la O.U.A., Su Majestad el Rey Hassan II de Marruecos,

Sus Excelencias los Presidentes MOBUTU SESE SEKO del Zaire y Marien N'GOUABI de la República Popular del Congo han convocado en Brazzaville del 11 al 13 de noviembre de 1.972, la segunda Sesión de la Conferencia de los Jefes de Estado de Gabón, de la Guinea Ecuatorial, del Congo y del Zaire sobre la diferencia Gabón-Guinea Ecuatorial. La Organización de la Unidad Africana estaba representada en esta Sesión por Su Excelencia NZO EKANGAKI, Secretario General Administrativo.

Los dos Jefes de Estado mediadores han escuchado las observaciones del Presidente Albert-Bernard BONGO y del Presidente FRANCISCO MACIAS NGUEMA sobre el informe de los trabajos de la segunda Sesión ministerial de la Comisión ad hoc de la O.U.A. sobre la diferencia Gabón-Guinea Ecuatorial que ha tenido lugar en Kinshasa del 2 al 4 de noviembre de 1.972.

Al final de largos intercambios de vistas y de discu-

.../...

-2-

siones minuciosas que tuvieron lugar dentro de un clima de franqueza, de sinceridad y de mutua comprensión, Sus Excelencias el Presidente Albert-Bernard BONGO y el Presidente FRANCISCO MACIAS NGUEMA,

1. Se han puesto de acuerdo sobre:

A/- La neutralización de la zona litigiosa en la bahía de Corisco.

B/- La delimitación por la Comisión ad hoc de la O.U.A. de las fronteras marítimas entre la República Gabonesa y la República de Guinea Ecuatorial en la bahía de Corisco conforme al espíritu de la Carta de la O.U.A., y

2. Se han comprometido conformarse al espíritu de la Conferencia de Brazzaville del 11 al 13 de noviembre de 1.972.

El Presidente Marien N'GOUABI, el Presidente MOBUTU SESE SEKA y el Señor NZO EKANGAKI, Secretario General Administrativo de la O.U.A. han felicitado a los Presidentes Albert-Bernard BONGO del Gabón y FRANCISCO MACIAS NGUEMA de la Guinea Ecuatorial por su voluntad común de resolver su diferencia por los medios pacíficos y dentro del espíritu de la Carta de la Organización de la Unidad Africana.

Con esta ocasión, los dos Jefes de Estado de la República Gabonesa y de la República de Guinea Ecuatorial han expresado su sincera gratitud a los Presidentes de la República Popular del Congo y de la República del Zaire por el concurso fraternal que les han aportado y por los remarcables esfuerzos de mediación y paciencia que han desplegado en vista a su acercamiento conforme al mandato de la 8ª Sesión de la Conferencia de Jefes de Estado

.../...

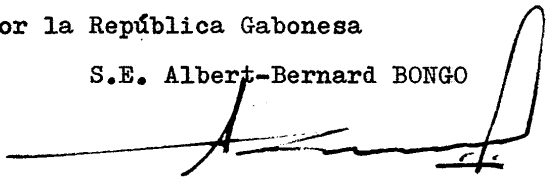
-3-

de Africa Central y Oriental.

El Presidente de la República Gabonesa, el Presidente de la República de Guinea Ecuatorial, el Presidente de la República del Zaire y el Secretario General de la O.U.A., han expresado a Su Excelencia el Presidente de la República Popular del Congo, a su Gobierno y a su Pueblo, sus sinceros agradecimientos por la acogida calurosa y fraternal que les ha sido reservada, así como a sus delegaciones respectivas.

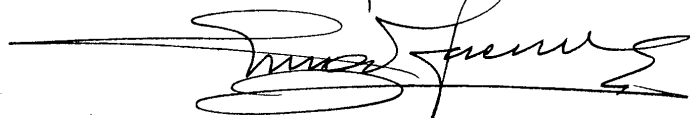
Por la República Gabonesa

S.E. Albert-Bernard BONGO



Por la República de Guinea Ecuatorial

S.E. Francisco Macias NGUEMA



Por la República Popular del Congo

S.E. Marien N'GOUABI




Por la República del Zaire

S.E. MOBUTU SESE SEKO



Por el Secretario General de la O.U.A.

S.E. NZO EKANGAKI



Hecho en BRAZZAVILLE, el 13 noviembre 1.972.

Annex 202

*Minutes from the Joint Gabon/Equatorial Guinea Grand Commission Meeting
(July 26-30 1980)*

TRANSLATION

- 27-

[crest]

MINUTES OF THE 1st SESSION
OF THE GREAT JOINT
GABON-EQUATORIAL GUINEA COMMISSION
(Malabo July 26 – 30, 1980)

The first session of the Great Joint Gabon Equatorial Guinea Commission was held at Malabo (capital of the Republic of Equatorial Guinea) from July 26–30, 1980. The two delegations were seeking laws and means allowing them to open a new era of cooperation for economic, cultural, scientific, and technical development on the one hand, and to tighten the bonds of friendship and fraternity that unite the Equato-Guinean people and the Gabonese people, on the other.

The two delegations are led for the Gabonese side by His Excellency Mr. Jean-Baptiste Ngomo-Obiang, Secretary for Foreign Affairs and Cooperation, and for the Equato-Guinean side by His Excellency Mr. Florencio Maye Ella Mengue, First Vice President of the Supreme Military Council, Military Commissar for Foreign Affairs.

Speaking first, the Head of the Equato-Guinean delegation expressed wishes of cordial and fraternal welcome to the Gabonese delegation and wished that their stay on Equato-Guinean soil might contribute to strengthening the cooperation between the two countries even further.

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 28-

2/

[crest]

The Head of the Gabonese delegation thanked the Head of the Equato-Guinean delegation and the Equato-Guinean people for the warm and fraternal welcome that had been extended to him as well as to the delegation accompanying him.

The two delegations then proceeded to adopt the items on the agenda below and reviewed during the first session.

- I. REVIEW OF THE COMMERCIAL AGREEMENT
- II. REVIEW OF THE POSTS AND TELECOMMUNICATIONS AGREEMENT
- III. REVIEW OF THE MERCHANT MARINE AGREEMENT
- IV. REVIEW OF THE PETROLEUM AGREEMENT
- V. REVIEW OF THE AVIATION AGREEMENT
- VI. REVIEW OF THE DRAFT AGREEMENT CONCERNING WORK AND THE FREE MOVEMENT OF PERSONS
- VII. REVIEW OF THE DRAFT FRIENDSHIP AND GOOD NEIGHBORLINESS TREATY
- VIII. REVIEW OF THE DRAFT CONSULAR AGREEMENT
- IX. REVIEW OF THE DRAFT CULTURAL AGREEMENT
- X. MISCELLANEOUS

I. COMMERCIAL AGREEMENT

The Gabonese Party presented a draft Commercial Agreement to the Equato-Guinean Party.

The Equato-Guinean Party likewise presented a draft Agreement to the Gabonese Party.

The Gabonese Party gave a presentation of the commercial exchanges between the two countries and noted that they were insignificant on a statistical level for two reasons.

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 29-

3/

[crest]

The economic relations were suspended for eight (8) years, and moreover, if there were exchanges, they were done in the form of barter, and were thus not accounted for. Nevertheless there was a flow between the two countries in 1976 and 1977 that cannot be evaluated due to the permeability of the borders.

The Gabonese Party emphasized the complementary nature of the two countries' economies and the fact that consequently it is necessary to deepen the commercial exchanges.

The draft Commercial Agreement presented by the Gabonese Party includes an appendix listing certain products that might be exported to Equatorial Guinea.

Gabon is disposed to receive the products proposed by the Equato-Guinean Party.

The Gabonese party has set a goal of increasing the volume of commercial exchanges between the two countries, but only the economic operators, i.e. the enterprises, can best take advantage of the legal framework of this agreement, taking into account the economic environment. The same is true of the Equato-Guinean party.

The two Parties acknowledged that the Gabonese draft Commercial Agreement summarized the economic concerns of both countries and that that one should be adopted. The two Parties agreed to sign a Commercial Agreement.

II. REVIEW OF THE POSTS AND TELECOMMUNICATIONS AGREEMENT

[hw: illegible] The Equato-Guinean Party presented a draft telecommunications agreement concerning the establishment of a telegraphic connection between the two countries.

[initials]

TRANSLATION

- 30-

3/ (bis)

[crest]

The Gabonese Party, for its part, presented a draft Agreement incorporating Posts and Telecommunications while underlining the inseparable nature of the two services.

The Equato-Guinean Party, while asking the Gabonese Party to take into account the technical condition of its installations in this area, expressed the wish that a Postal service concerning letters and packages might go into effect between the two countries. The Gabonese Party gave its consent for this service to go into effect as soon as possible.

III. MERCHANT MARINE AGREEMENT

The Gabonese Party delivered a draft Merchant Marine agreement to the Equato-Guinean Party.

The Equato-Guinean party accepted the Gabonese draft, but given that this point of cooperation did not appear on the agenda, it was not possible to proceed to the review of this draft.

The two parties, while recognizing the necessity to establish cooperation in this area, agreed to form an ad hoc commission as soon as possible, which will have as its mission to develop a cooperation agreement in this area.

IV. PETROLEUM AGREEMENT

The Gabonese Party underlined the existence of a Petroleum Agreement between the two companies and wished for the expansion of cooperation in petroleum matters to include mining matters, taking into account the similarity of the areas and the natural borders existing between the two countries.

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 31-

4/

[crest]

At the same time the Gabonese Party made a proposal concerning sending the review of the petroleum problem to an ad hoc commission to meet subsequently.

The Equato-Guinean party denounced the Petroleum Agreement that had been signed at Libreville on November 13, 1979, because that agreement had not been negotiated by Equato-Guinean experts; the proof is that there is no mention in the final communiqué sanctioning the visit of the Guinean Head of State to Libreville on November 12 to 13, 1979.

The Gabonese party accepted the principle of revising this agreement, but insisted on the validity of this agreement, which alone might justify a meeting at a later date of an ad hoc commission. The Gabonese party proposed that the ad hoc petroleum Commission meet in Libreville in the month of September and that the Equato-Guinean Party present a draft aimed at expanding mining cooperation between the two countries.

The Equato-Guinean Party believed that only technicians were capable of appreciating the opportunities of such proposals and accepted the principle of a meeting of the petroleum Commission, which would present its work in the month of November at a place to be set by diplomatic channels.

The Equato-Guinean Party delivered a draft petroleum agreement to the Gabonese Party, which will be reviewed in the course of the upcoming work by the ad hoc Petroleum Commission. The two Parties expressed the political will to establish cooperation in this area.

[initials]

TRANSLATION

- 32-

5/

[crest]

V. AVIATION AGREEMENT

The Gabonese Party presented a draft aviation agreement to the Equato-Guinean Party; the Equato-Guinean Party likewise presented a draft agreement.

The two drafts being of a standard type, the Gabonese Party accepted to use the Equato-Guinean draft as a working document.

At the same time, the Gabonese draft enriched the Equato-Guinean draft by introducing two new articles concerning the final provisions.

The Equato-Guinean Party agreed to the introduction of these two articles.

The Equato-Guinean party proposed the following routes:

Points in Equatorial Guinea – Oyem and/or Libreville and vice versa.

The Gabonese Party proposed the following routes:

Points in Gabon – Bata and/or Malabo and vice versa.

The two Parties agreed to sign an agreement on aviation transport.

As to articles concerning money, taking into account the fact that the two countries belong to different monetary zones, it was decided that the technical application modalities in this area would be set subsequently by technicians of the two countries.

As far as cooperation in the area of telecommunications is concerned: The Gabonese Party took note of this proposal and will analyze the possibilities for starting up a telegraphic network between Gabon and Equatorial Guinea.

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 33-

6/

[crest]

The Gabonese Party expressed the wish that Equatorial Guinea join the African Postal and Telecommunications Union, the headquarters of which are in Brazzaville, so that Guinea could benefit from preferential rates from Gabon.

The Equato-Guinean Party took note of this proposal.

The Gabonese Party proposed to the Equato-Guinean Party agreement on a telex Center with a capacity of four hundred (400) lines. The Equato-Guinean Party took note and will approach its country's Government, which has sole competence over this.

The Gabonese Party proposed the admission of Equato-Guinean staff to the Posts and Telecommunications Training School of Libreville.

The Equato-Guinean Party took note of this proposal, which will be presented to the Government.

The Gabonese Party suggested to the Equato-Guinean Party to jointly seek external financing to establish a high-capacity telecommunications connection between the two countries.

The Equato-Guinean Party took note of this proposal. The two Parties allowed for the possibility of establishing a telephone connection that would temporarily pass through a third country.

The Parties, aware of the necessity of starting up service on a direct telecommunications and postal connection between the two countries as soon as possible, agreed to approach those responsible at the competent departments so that a meeting can take place as soon as possible to sign an agreement on posts and telecommunications.

[initials]

TRANSLATION

- 34-

7/

[crest]

**VI. REVIEW OF THE DRAFT AGREEMENT CONCERNING WORK
AND THE FREE MOVEMENT OF PERSONS AND GOODS**

The Equato- Guinean Party delivered to the Gabonese Party the draft of the above-cited Agreement.

The Gabonese Party, believing that this was a new item on the agenda, and in the absence of the competent Minister, took note of this proposal, which it will communicate to the competent Gabonese authorities.

It will give notice of the outcome as soon as possible by diplomatic channels.

**VII. REVIEW OF THE DRAFT FRIENDSHIP AND GOOD NEIGHBORLINESS
TREATY**

On this specific point, the Gabonese Party took note of the Equato-Guinean proposal.

It believed that this question, which is relevant to the competence of several ministerial departments, will be submitted for an in-depth review by an ad hoc commission created to this end within the scope of the General Cooperation Agreement signed between the two countries.

The date of this meeting shall be set by mutual agreement by diplomatic channels.

VIII. REVIEW OF THE DRAFT CONSULAR AGREEMENT

Since this is a new point, the sub-committee decided to delegate the review of this question to an expanded ad hoc commission, the date of which shall be specified later.

[initials]

TRANSLATION

- 35-

8/

[crest]

IX. REVIEW OF THE DRAFT CULTURAL AGREEMENT

Since the last meeting, which was held in Libreville on the occasion of the official visit paid by His Excellency Lieutenant Colonel Obiang Nguema Mbazogo, President of the Supreme Military Council, the Gabonese Party delivered to the Equato-Guinean Party a draft Cultural Cooperation Agreement.

At this session the Equato-Guinean Party submitted for the attention of the delegates its counter-draft and the latter was adopted after slight amendments in a spirit of mutual understanding.

X. MISCELLANEOUS

The Gabonese Party drew the attention of the competent authorities in the Republic of Equatorial Guinea to the necessity to find ways and means to put an end to certain acts that could disrupt the good relationship between the two fraternal peoples.

The Equato-Guinean Party took note of this concern and signaled its wholehearted readiness to cooperate in this direction.

It likewise made the Gabonese Party aware of the fact that similar cases are occurring in Gabon. The Gabonese Party took note and committed to inform the competent authorities of its country.

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 36 -

BIBLIOGRAPHY

- NATIONAL ARCHIVES OF GABON

- MAX-LINIGER-GOUMAZ: *GABON-GUINEE PROBLEME FRONTALIER* [GABON-GUINEA BORDER PROBLEM]
GENEVE-AFRIQUE 1973, VOL. VII.

- MAX-LINIGER-GOUMAZ: *LA REPUBLIQUE DE GUINEE EQUATORIALE UNE INDEPENDENCE A REFAIRE* [THE REPUBLIC OF EQUATORIAL GUINEA, INDEPENDENCE TO BE REMADE]

AFRIQUE CONTEMPORAINE No. 18

- MAX-LINIGER-GOUMAZ: *GUINEE EQUATORIALE UN PAYS MECONNU* [EQUATORIAL GUINEA, A MISUNDERSTOOD COUNTRY]

PAU & EDITIONS L'HARMATTAN (COP. 19

- LEONDO: "*DES REFUGIES EQUATO-GUINEENS, VICTIMES DE VOLS ET PILLAGES*" ["EQUATO-GUINEAN REFUGEES, VICTIMS OF THEFTS AND LOOTING"]
No. 660.

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Eve Hecht, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

March 4, 2021

Date





II PROCES VERBAL DE LA 1^{ère}
SESSION DE LA GRANDE COMMISSION
MIXTE GABON-GUINEE EQUATORIALE
(Malabo 26 - 30 Juillet 1980)

-----ooOoo-----

La première session de la Grande Commission Mixte Gabon Guinée Equatoriale s'est tenue à Malabo, (Capitale de la République de Guinée Equatoriale) du 26 au 30 juillet 1980. Les deux délégations ont recherché les droits et moyens leur permettant d'ouvrir une nouvelle ère de coopération pour le développement économique, culturel, scientifique et technique d'une part, et de resserrer les liens d'amitié et de fraternité qui unissent le peuple équato-guinéen et le peuple gabonais, de l'autre.

Les deux délégations conduites respectivement, du côté gabonais, par S. E. Monsieur Jean-Baptiste NGOMO-OBIANG, Secrétaire d'Etat auprès du Ministre des Affaires Etrangères et de la Coopération, du côté équato-guinéen, par S.E. Monsieur Florencio MAYE ELLA MENGUE, Premier Vice Président du Conseil Militaire Suprême, Commissaire Militaire aux Affaires Etrangères.

Prenant le premier la parole, le Chef de la délégation équato-guinéenne a exprimé les souhaits de cordiale et fraternelle bienvenue à la délégation gabonaise et a souhaité que son séjour en terre de guinée-équatoriale puisse contribuer à renforcer davantage les relations de coopération entre les deux pays.



Le Chef de la délégation gabonaise a remercié le chef de la délégation équato-guinéenne et le peuple équato-guinéen pour l'accueil chaleureux et fraternel qui lui a été réservé ainsi qu'à la délégation qui l'accompagne.

Les deux délégations ont procédé ensuite à l'adoption des points inscrits à l'ordre du jour ci-après et examinés au cours de la première session.

- I. EXAMEN DE L'ACCORD COMMERCIAL
- II. EXAMEN DE L'ACCORD EN MATIERE DES POSTES ET TELECOMMUNICATIONS
- III. EXAMEN DE L'ACCORD EN MATIERE DE MARINE MARCHANDE
- IV. EXAMEN DE L'ACCORD PETROLIER
- V. EXAMEN DE L'ACCORD AERIEN
- VI. EXAMEN DU PROJET D'ACCORD EN MATIERE DE TRAVAIL ET DE LIBRE CIRCULATION DES PERSONNES
- VII. EXAMEN DU PROJET DE TRAITE D'AMITIE ET DE BON VOISINAGE
- VIII. EXAMEN DU PROJET DE CONVENTION CONSULAIRE
- IX. EXAMEN DU PROJET D'ACCORD CULTUREL
- X. DIVERS

I. ACCORD COMMERCIAL

La Partie Gabonaise a présenté un projet d'Accord Commercial à la Partie équato-guinéenne.

La Partie équato-guinéenne a également présenté un projet d'Accord à la Partie gabonaise.

La Partie gabonaise a fait un exposé des échanges commerciaux entre les deux pays, et, elle a fait remarquer que ceux-ci étaient sur le plan statistique insignifiants pour deux raisons.

.../...



Les relations économiques ont été suspendues depuis huit (8) ans, de plus s'il y a eu des échanges, ils se sont faits sous forme de troc, donc n'ont pu être comptabilisés. Néanmoins il y a eu un courant entre les deux pays en 1976 et 1977 qui ne peut être évalué à cause de la perméabilité des frontières.

La Partie gabonaise a souligné le caractère complémentaire des économies des deux pays et qu'en conséquence il est nécessaire d'intensifier les échanges commerciaux.

Le projet d'Accord commercial présenté par la Partie gabonaise prévoit en annexe certains produits susceptibles d'être exportés vers la Guinée Equatoriale.

Le Gabon est disposé à recevoir des produits proposés par la Partie équato guinéenne.

La Partie gabonaise s'est fixée comme obligations de moyen de développer le volume des échanges commerciaux entre les deux pays, toutefois seuls les opérateurs économiques, c'est à dire les entreprises pourront exploiter au mieux le cadre juridique de cet accord compte tenu de la conjoncture économique. Il en est de même pour la Partie équato-guinéenne.

Les deux Parties ont reconnu que le projet d'accord commercial gabonais résumait les préoccupations économiques des deux pays, et que celui-ci devait être adopté. Les deux Parties sont convenues de signer un Accord Commercial.

II. ACCORD EN MATIERE DE POSTES & TELECOMMUNICATIONS

Projet
La Partie équato-guinéenne a présenté un projet d'accord de télécommunications, portant sur l'établissement d'une liaison télégraphique entre les deux pays



La Partie gabonaise a pour sa part présenté un projet d'Accord englobant les Postes et Télécommunications tout en soulignant le caractère indissociable des deux services.

La Partie équato-guinéenne tout en demandant à la Partie gabonaise de tenir compte de l'état technique de ses installations dans ce domaine a exprimé le voeu que le service des Postes concernant les lettres et les colis postaux puisse être effectif entre les deux pays. La Partie gabonaise a donné son accord pour que ce service soit effectif dans les délais les plus brefs.

III. ACCORD EN MATIERE DE MARINE MARCHANDE

La Partie gabonaise a remis un projet d'accord en matière de Marine Marchande à la partie équato-guinéenne.

La Partie équato-guinéenne a accepté le projet gabonais, mais étant donné que ce point de coopération ne figurait pas à l'ordre du jour, il n'était pas possible de procéder à l'examen de ce projet.

Les deux parties, tout en reconnaissant la nécessité d'établir une coopération dans ce domaine sont convenues de réunir dans les plus brefs délais une commission ad hoc qui aura pour mission d'élaborer un accord de coopération dans ce domaine.

IV. ACCORD PETROLIER

La Partie gabonaise a souligné l'existence d'un Accord pétrolier entre les deux pays, et a souhaité l'élargissement de la coopération pétrolière à la coopération minière compte tenu de la similitude des domaines et des frontières naturelles existant entre les deux pays.

.../...

2



Toutefois la Partie gabonaise a fait la proposition portant sur le renvoi de l'examen du problème pétrolier à une commission ad hoc qui se réunira ultérieurement.

La Partie équato-guinéenne a dénoncé l'Accord pétrolier qui avait été signé à Libreville le 13 novembre 1979, car cet accord n'avait pas été négocié par des Experts équato-guinéens, la preuve est qu'il n'est pas fait mention dans le communiqué final sanctionnant la visite du Chef de l'Etat Guinéen à Libreville, le 12 au 13 novembre 1979.

La Partie gabonaise a accepté le principe de révision de cet accord, mais a insisté sur la validité de cet accord qui seul peut justifier la réunion à une date ultérieure d'une commission ad hoc. La partie gabonaise a proposé que la Commission pétrolière ad hoc se réunisse à Libreville au mois de septembre, et que la Partie équato-guinéenne présente un projet visant à élargir la coopération minière entre les deux pays.

La partie équato-guinéenne a estimé que seuls des Techniciens étaient à même d'apprécier l'opportunité de telles propositions et a accepté le principe de la réunion de la Commission pétrolière qui tiendra ses travaux au mois de novembre et en un lieu qui sera fixé par voie diplomatique.

La Partie équato-guinéenne a remis un projet d'accord pétrolier à la Partie gabonaise, celui-ci sera examiné lors des prochains travaux de la Commission pétrolière ad hoc. Les deux Parties ont manifesté la volonté politique d'établir une Coopération dans ce domaine.



V. ACCORD AERIEN

La Partie gabonaise a présenté un projet d'accord à la Partie équato-guinéenne, la partie équato-guinéenne a également présenté un projet d'accord.

Les deux projets étant de type standard, la Partie gabonaise a accepté de prendre comme document de travail le projet équato-guinéen.

Toutefois le projet gabonais a enrichi le projet équato-guinéen en introduisant deux articles nouveaux portant sur les dispositions finales.

La Partie équato-guinéenne a donné son accord à l'introduction de ces deux articles.

La Partie équato-guinéenne a fait la proposition de tableau de routes ci-après :

points en Guinée Equatoriale - Oyem et ou Libreville vice versa.

La Partie gabonaise a fait la proposition de tableau de routes suivant :

Points au Gabon - Bata et/ou Malabo et vice versa.

Les deux Parties sont convenues de signer un accord en matière de transport aérien.

Quant aux articles d'argent, compte tenu de l'appartenance des deux pays à des zones monétaires différentes, il a été décidé que les modalités techniques d'application dans ce domaine seront fixées ultérieurement par les Techniciens des deux pays.

Boyer
En ce qui concerne la coopération dans le domaine des télécommunications. La Partie gabonaise a pris bonne note de cette proposition et analysera les possibilités de mise en marche de réseau télégraphique entre le Gabon et la Guinée Equatoriale.



6/

La Partie gabonaise a souhaité que la Guinée Equatoriale adhère à l'Union Africaine des Postes et Télécommunications dont le siège se trouve à Brazzaville afin que la Guinée bénéficie de tarifs préférentiels de la part du Gabon.

La Partie équato-guinéenne a pris bonne note de cette proposition.

La Partie gabonaise a proposé à la Partie équato-guinéenne l'accord d'un Centre de télex d'une capacité de Quatre Cents (400) lignes. La Partie équato-guinéenne a pris bonne note et saisira le Gouvernement de son pays, seul compétent pour donner un avis.

La Partie gabonaise a proposé l'admission de cadres équato-guinéens à l'Ecole de Formation des Postes et Télécommunications de Libreville.

La Partie équato-guinéenne a pris bonne note de cette proposition qui sera présentée au Gouvernement.

La Partie gabonaise a suggéré à la Partie équato-guinéenne de rechercher en commun un financement extérieur pour établir une liaison de télécommunications de grande capacité entre les deux pays.

La partie équato-guinéenne a pris bonne note de cette proposition. Les deux Parties ont admis la possibilité d'établir une liaison téléphonique en passant par un état tiers provisoirement.

Les deux Parties conscientes de la nécessité d'établir dans les meilleurs délais la mise en service d'une liaison directe des télécommunications, et des postes, entre les deux pays sont convenus de saisir les responsables des services compétents afin qu'une réunion se tienne le plus tôt possible pour la signature d'un accord en matière de postes et télécommunications.



VI. EXAMEN DU PROJET D'ACCORD EN MATIERE DE TRAVAIL ET DE LIBRE CIRCULATION DES PERSONNES ET DES BIENS

La Partie équato-guinéenne a remis à la Partie gabonaise le projet d'Accord susvisé.

La Partie gabonaise, estimant qu'il s'agit d'un point nouveau inscrit à l'Ordre du jour, et en l'absence de représentant du Ministère compétent, a pris bonne note de cette proposition qu'elle communiquera aux autorités gabonaises compétentes.

Elle fera connaître la suite y réservée dans les meilleurs délais, par la voie diplomatique.

VII. EXAMEN DU TRAITE D'AMITIE ET DE BON VOISINAGE

Sur ce point précis, la Partie gabonaise a pris acte de la proposition équato-guinéenne.

Elle a estimé que cette question relevant de la compétence de plusieurs départements ministériels, sera soumise à un examen approfondi par une commission ad hoc créée à cet effet dans le cadre de l'Accord Général de coopération signé entre nos deux pays.

La date de cette réunion sera fixée d'accord par la voie diplomatique.

VIII. EXAMEN DU PROJET D'ACCORD CONSULAIRE

S'agissant d'un point nouveau, la sous-commission a décidé le renvoi de l'examen de cette question à une commission ad hoc élargie, dont la date sera précisée ultérieurement.

.../...



IX. EXAMEN DU PROJET D'ACCORD CULTUREL

Lors de la dernière réunion qui s'est tenue à Libreville à l'occasion de la visite officielle qui avait été effectuée S.E. Le Lieutenant Colonel OBIANG NGUEMA MBAZOGO, Président du Conseil Militaire Supérieur, la Partie gabonaise avait remis à la Partie équato-guinéenne un projet d'Accord de Coopération culturelle.

La Partie équato-guinéenne lors de cette session a soumis à l'attention des délégués, son projet et ce dernier a été adopté après de légers amendements dans un climat de compréhension mutuelle.

X. f DIVERS

La Partie gabonaise a attiré l'attention des autorités compétentes de la République de Guinée Equatoriale, sur la nécessité de trouver les voies et moyens pour mettre fin à certains actes susceptibles de perturber la bonne entente entre nos deux peuples frères.

La Partie équato-guinéenne a pris bonne note de cette préoccupation et a marqué son entière disponibilité à coopérer dans ce sens.

Elle a également porté à la connaissance de la Partie gabonaise que des cas similaires se produisent au Gabon. La Partie gabonaise a pris bonne note et s'attache d'en informer les autorités compétentes de son pays.

Preser

x

.../...

B I B L I O G R A P H I E

- ARCHIVES NATIONALES DU GABON

- MAX-LINIGER-GOUMAZ : GABON-GUINEE PROBLEME FRONTALIER
GENEVE - AFRIQUE 1973, VOL VII.

- MAX-LINIGER-GOUMAZ : LA REPUBLIQUE DE GUINEE EQUATORIALE
UNE INDEPENDANCE A REFAIRE.

AFRIQUE CONTEMPORAINE N° 18

- MAX-LINIGER-GOUMAZ : GUINEE EQUATORIALE UN PAYS MECONNU
PAU & EDITIONS L'HARMATTAN (COP.19

- LEONDO : "DES REFUGIES EQUATO-GUINEENS, VICTIMES DE VOLS
ET PILLAGES" N° 660.

Annex 203

Minutes of the Joint Commission on the Revision of the Petroleum Cooperation Agreement Between the Republic of Equatorial Guinea and The Gabonese Republic, Libreville (26 September 1981)

TRANSLATION**REPORT OF THE AD HOC COMMITTEE REVIEWING
THE PETROLEUM COOPERATION AGREEMENT
BETWEEN THE REPUBLIC OF EQUATORIAL
GUINEA AND THE GABONESE REPUBLIC**

In accordance with the decision of the Joint Gabon-Equatorial Guinea Committee held on September 22 through 26, 1981, the two parties met in Libreville on March 16 through 18, 1982, to review the petroleum operation agreement signed between the Republic of Equatorial Guinea and the Gabonese Republic in November 1979 by the Heads of State.

[...]

TRANSLATION

[...]

WATER STREET TRANSLATIONS

TRANSLATION

- 2 -

[...]

WATER STREET TRANSLATIONS

TRANSLATION

– 3 –

[...]

- Article 6. This article was the subject of different points of view. The Gabonese party keeps the article as written in the original document:

Both parties grant the *Société Nationale Pétrolière Gabonaise* PETROGAB an exclusive petroleum exploration and production right in the offshore area located between the north parallel latitude 1° 01' 14" (one degree, one minute, fourteen seconds) and north parallel 0° 41' 32" (zero degrees, forty-one minutes, thirty-two seconds).

- Equatorial Guinean Version

The HPCs agree to specify an area for joint exploration and exploitation of hydrocarbons that may exist in this zone.

WATER STREET TRANSLATIONS

TRANSLATION

– 4 –

Said zone, the limits of which will be determined, only and exclusively for purposes of hydrocarbons exploration and exploitation, by mutual agreement of the HPCs, may be allocated to the joint company created in accordance with this agreement, and to any other company or group of oil companies by mutual agreement of the HPCs.

[...]

TRANSLATION

– 5 –

The next meeting of the Ad Hoc Committee will be held in Malabo on a date to be determined by agreement of the parties through diplomatic channels.

FOR THE GABONESE DELEGATION

The Secretary of State, with the
2nd Vice Prime Minister,
Minister of Mines and Petroleum
[signature]
His Excellency Dr. Paulin Obame-Nguema

**FOR THE EQUATORIAL GUINEAN
DELEGATION**

The Commissioner of State with the
Ministry of Industry, Mines and Energy
[signature]
His Excellency Policarpo Monsuy Mba

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association (ATA).

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

04/23/21

Date





//))
 //)
 ROCES - VERBAL DE LA COMMISSION ADHOC PORTANT
 REVISION DE L'ACCORD DE COOPERATION PETROLIERE
 ENTRE LA REPUBLIQUE DE GUINEE EQUATORIALE ET
 REPUBLIQUE GABONAISE

Conformément à la décision de la Grande Commission Mixte Gabon-Guinée Equatoriale tenue du 22 au 26 Septembre 1981, les deux parties se sont réunies à Libreville du 16 au 18 Mars 1982 pour réviser l'accord de coopération pétrolière signé entre la République de Guinée Equatoriale et la République Gabonaise en Novembre 1979 au niveau des Chefs d'Etat.

La délégation Equato-Guinéenne était composée comme suit :

- S.E. POLICARPO MONSUY MBA, Commissaire d'Etat au Ministère de l'Industrie, des Mines et de l'Energie, Chef de délégation.
- S.E. JUAN OLO MBA, Commissaire d'Etat Adjoint au Secrétariat d'Etat pour le Commerce.
- S.E. MARCELINO NGUEMA ONGUENE, Secrétaire Technique au Ministère de la Santé.
- S.E. RAIMUNDO ERAUL NUNEZ, Secrétaire Technique Adjoint au Secrétariat du Plan, du Développement Economique et à la Coopération.
- S.E. BATHO OBAM NSUE MENGUE, Ambassadeur Extraordinaire et Plénipotentiaire de Guinée Equatoriale au Gabon.
- S.E. DAMIAN ONDO MANE, Directeur de Cabinet Technique à la Présidence du Gouvernement.
- Mr. ANGEL NDJENG OLO, Directeur Technique des Mines et des Hydrocarbures.
- Mr. JULIO ONDO NDEMENSOGO, Chef de Cabinet au Ministère de l'Industrie et de l'Energie.
- Mme MARIA RESURRECCION BITA BORIESA, Premier Secrétaire de l'Ambassade de Guinée Equatoriale au Gabon.
- Mr. LUIS OBIANG MENGUE, Fonctionnaire au Ministère des Affaires Etrangères.

La délégation gabonaise est constituée comme suit :

- S.E. Dr Paulin OBAME-NGUEMA, Secrétaire d'Etat auprès du 2e Vice-Premier Ministre, Ministre des Mines et du Pétrole, Chef de Délégation,
- Mme Séraphine OYANE, Déléguée Ministérielle au Ministère du Commerce, du Développement Industriel et de la Promotion des Petites et Moyennes Entreprises,
- M. Simon BOULAMATARI, Secrétaire Général à la Présidence de la République chargé des Questions Commerciales,
- M. Mathias NGWENGUE, Chef de Cabinet Civil du Président de la République,
- M. Samuel DOSSOU-AWORET, Directeur Général des Hydrocarbures au Ministère des Mines et du Pétrole,
- M. Maxime OBIANG-NZE, Directeur des Affaires Economiques, Financières et Administratives à la Direction Générale des Hydrocarbures,
- M. MBA ELLA, Directeur Adjoint du Commerce Extérieur,
- M. Joseph OSSAD NKOGE, Chef de Division Afrique au Ministère des Affaires Etrangères et de la Coopération,
- M. Arthur NZE-MVELE, Chef de Service Transport, Raffinage, Distribution à la Direction Générale des Hydrocarbures,
- M. MBA-NDOUTOUM, Chef de Bureau de la Zone Afrique Centrale Occidentale au Ministère des Affaires Etrangères et de la Coopération,
- M. Henri IGONDJO, Chargé d'Etudes au Ministère des Affaires Etrangères et de la Coopération,
- M. Faustin BANGOLE-YENVOU, Directeur Général Adjoint de PETROGAB,
- Melle Brigitte JOBET, Ingénieur à PETROGAB.

Après un échange de vue entre les deux Chefs de délégation, il a été convenu que les experts passeront en revue tous les articles de l'accord de coopération afin que chaque partie exprime ses souhaits de modifications.

Ayant ainsi passé en revue tous les articles dudit accord de coopération, les deux parties sont parvenues aux conclusions suivantes :

...///...

La délégation gabonaise était constituée comme suit :

- S.E. Dr Paulin OBAMF-NGUEMA, Secrétaire d'Etat auprès du 2e Vice-Premier Ministre, Ministre des Mines et du Pétrole, Chef de Délégation,
- Mme Séraphine OYANE, Déléguée Ministérielle au Ministère du Commerce, du Développement Industriel et de la Promotion des Petites et Moyennes Entreprises,
- M. Simon BOULAMATARI, Secrétaire Général à la Présidence de la République chargé des Questions Commerciales,
- M. Mathias NGWENGUE, Chef de Cabinet Civil du Président de la République,
- M. Samuel DOSSOU-AWORET, Directeur Général des Hydrocarbures au Ministère des Mines et du Pétrole,
- M. Maxime OBIANG-NZE, Directeur des Affaires Economiques, Financières et Administratives à la Direction Générale des Hydrocarbures,
- M. MBA ELLA, Directeur Adjoint du Commerce Extérieur,
- M. Joseph OSSAD NKOGE, Chef de Division Afrique au Ministère des Affaires Etrangères et de la Coopération,
- M. Arthur NZE-MVELE, Chef de Service Transport, Raffinage, Distribution à la Direction Générale des Hydrocarbures,
- M. MBA-NDOUTOUM, Chef de Bureau de la Zone Afrique Centrale Occidentale au Ministère des Affaires Etrangères et de la Coopération,
- M. Henri IGONDJO, Chargé d'Etudes au Ministère des Affaires Etrangères et de la Coopération,
- M. Faustin BANGOLE-YENVOU, Directeur Général Adjoint de PETROGAB,
- Melle Brigitte JOBET, Ingénieur à PETROGAB.

Après un échange de vue entre les deux Chefs de délégation, il a été convenu que les experts passeront en revue tous les articles de l'accord de coopération afin que chaque partie exprime ses souhaits de modifications.

Ayant ainsi passé en revue tous les articles dudit accord de coopération, les deux parties sont parvenues aux conclusions suivantes :

...//...

- 3 -

- TITRE : Sur proposition de la partie Equato-Guinéenne, et après un échange de vue, les deux parties conviennent de reformuler l'appellation de l'accord qui deviendrait : ACCORD DE COOPERATION EN MATIERE D'HYDROCARBURES ENTRE LA REPUBLIQUE DE GUINEE EQUATORIALE ET LA REPUBLIQUE GABONAISE.

La partie Gabonaise pense que cette reformulation devrait être consignée par un article dans l'avenant à l'accord de coopération pétrolière.

- Préambule : inchangé
- Article 1er : inchangé
- Article 2 : est complété comme suit :

. Paragraphe 3 : En application des dispositions du paragraphe précédent, ladite Commission Pétrolière décidera, en cas de besoin de la nature des sociétés mixtes Gabono-Equato-Guinéennes à créer.

. Paragraphe 4 : Les H.P.C. s'engagent à accorder aux sociétés mixtes ainsi créées des conditions d'investissement et des conditions réglementaires et fiscales non moins favorables que celles accordées par elles aux sociétés d'activités analogues opérant dans leurs pays respectifs.

- Article 3 : inchangé
- Article 4 : inchangé

- Article 5 : est modifié comme suit : la Partie Gabonaise s'engage à faire bénéficier à la Partie Equato-Guinéenne son expérience acquise sur son Territoire National en matière d'Hydrocarbures. La Partie Equato-Guinéenne s'engage, elle aussi, à faire bénéficier à la Partie Gabonaise son expérience acquise sur son Territoire National en matière d'Hydrocarbures.

- Article 6.- Cet article a été l'objet de points de vue différents. La partie Gabonaise maintient l'article tel qu'il est rédigé dans le document original :

Les deux parties concèdent à la Société Nationale Pétrolière Gabonaise PETROGAB un droit exclusif d'exploration et de production pétrolières dans la zone maritime située entre le parallèle Nord de latitude 1° 01' 14" (un degré, une minute, quatorze secondes) et le parallèle Nord 0° 41' 32" (zéro degré, quarante et une minute, trente deux secondes).

. Version Equato-Guinéenne

Les H.P.C. conviennent de préciser une zone pour l'exploration et l'exploitation conjointes des hydrocarbures pouvant exister dans ladite zone.

4

...///... 4/11/5

- 4 -

Ladite zone dont les limites seront déterminées, uniquement et exclusivement à des fins d'exploration et d'exploitation des hydrocarbures, par accord mutuel des H.P.C., pourra être attribuée à la société mixte, créée conformément au présent accord, et à toute autre société ou groupe de sociétés pétrolières par accord commun des H.P.C.

- Article 7.- Les deux parties sont convenues de ce qui suit :

. Les H.P.C. conviennent de constituer une société mixte Gabono-Equato-Guinéenne dont les objectifs seront définis par la Commission des Hydrocarbures créée selon le présent accord.

- Article 8.- Lire les H.P.C. au lieu de la Partie Gabonaise.

- Article 9.- Les deux parties sont tombées d'accord pour supprimer cet article.

- Article 10.- Devient après accord des deux parties :

Les H.P.C. s'engagent dans le respect de la législation pétrolière dans leurs pays respectifs, à examiner avec toute la diligence requise les demandes de permis d'exploration et d'exploitation pétrolières faites par ladite société mixte et toutes ses filiales éventuelles qui, à conditions égales, bénéficieront d'une priorité sur les autres postulants.

- Article 11.- inchangé

Au cours de leurs travaux le Chef de la délégation Equato-Guinéenne a été reçu en audience par le Chef de l'Etat Gabonais, Son Excellence El Hadj Omar BONGO, à qui il a remis le message que lui a adressé Son Frère et Ami le Président du Conseil Militaire Suprême, le Colonel OBIANG NGUEMA MBAZOGO.

Lors de la séance de clôture, les deux délégations se sont félicitées du climat de confiance et de franchise qui a caractérisé les travaux de la Commission Adhoc. Pour sa part, le Chef de la Délégation Equato-Guinéenne a remercié les Autorités Gabonaises pour les attentions particulières dont lui et la Délégation qui l'accompagne ont été l'objet durant leur séjour en terre gabonaise.

7'

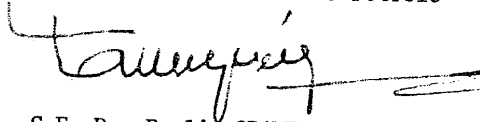
...///...

- 5 -

La prochaine réunion de la Commission Adhoc se tiendra à Malabo à une date qui sera fixée d'accord partie par voie diplomatique.

POUR LA DELEGATION GABONAISE

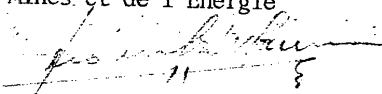
Le Secrétaire d'Etat auprès
du 2e Vice-Premier Ministre,
Ministre des Mines et du Pétrole



S.E. Dr. Paulin OBAME-NGUEMA

POUR LA DELEGATION EQUATO-
GUINEENNE,

Le Commissaire d'Etat au
Ministère de l'Industrie, des
Mines et de l'Energie



S.E. POLICARPO MONSUY MBA

Annex 204

The Gabonese Republic, *Spanish Minutes of the Ad Hoc Commission on the Revision of the Petroleum Cooperation Agreement between the Republic of Equatorial Guinea and The Gabonese Republic*, Libreville (16 – 18 March 1982)

TRANSLATION

MINUTES OF THE AD HOC COMMISSION ON THE REVISION
OF THE OIL COOPERATION AGREEMENT BETWEEN THE
REPUBLIC OF EQUATORIAL GUINEA AND THE GABONESE
===== REPUBLIC =====

According to the decision by the Grand Guinean-Gabonese Mixed Cooperation Commission, which met from the 22nd to the 16th [sic] of September of last year 1981, the two parties met in Libreville from the 16th to the 18th of March, 1982, in order to revise the Oil Cooperation Agreement between the Republic of Equatorial Guinea and the Gabonese Republic, signed in November 1979 by the two Heads of State.

During the negotiations, the Gabonese Delegation was made up as follows:

His Excellency OBAME NGUEMA PAULIN
Secretary of State of the Ministry of Oil and Mines.

Mrs. OYANE SERAPHINE
Ministerial Delegate at the Ministry of Commerce.

Mr. SIMON BOULAMATARI
General Secretary of the Presidency, Chargé of Commercial
Relations

Mr. DOSSOU AWORET SAMUEL
General Director of the Ministry of Oil and Mines.

Mr. OBIANG MAXIME
Director of Financial Affairs at the Ministry of Oil and Mines.

Mr. MBA ELA
Assistant Director of Foreign Trade.

Mr. JOSEPH OSSAD NKOGHE
Head of Service of the Africa Desk at the Ministry of Foreign Affairs.

./.

TRANSLATION

— 2 —

Mr. BANGOLE YENVOU FAUSTIN
Assistant General Director of PETROGAB.

Mr. MBA NDOUTUMU
Head of the Central and Western Africa Office at the Ministry of Foreign Affairs.

Mr. NZE MUELLE ARTHUR
PETROGAB Engineer.

Miss BRIGITTE JOBET
PETROGAB Engineer.

Mr. IGONDJO HENRI
Chargé of Studies of the Africa Desk at the Ministry of Foreign Affairs.

And on the Equatorial Guinean part, the Delegation was made up by the following Members:

His Excellency POLICARPO MOSUY MBA
Commissioner of State at the Ministry of Industry and Energy.

His Excellency JUAN OLO MBA NSENG
Assistant Commissioner of State of the Office of the Secretary of State for Trade.

His Excellency MARCELINO NGUEMA ONGUENE
Technical Secretary of the Ministry of Health.

MOST ILLUSTRIOUS MR. RAIMUNDO ERAUL MUÑEZ
Technical Secretary of the Office of the Secretary of State for Economic and Cooperation Plan.

His Excellency BATHO OBAM NSUE MENGUE
Ambassador Extraordinary and Plenipotentiary of the Republic of Equatorial Guinea in Gabon.

MOST ILLUSTRIOUS MR. DAMIAN ONDO MAÑE
Director of the Technical Cabinet of the Presidency.

,/,

WATER STREET TRANSLATIONS

TRANSLATION

— 3 —

MOST ILLUSTRIOUS MR. ANGEL NDJENG OLO

Technical Director of Mines and Hydrocarbons.

Mr. JULIO ONDO NDEMENSOGO

Head of the Cabinet of the Ministry of Industry and Energy.

Ms. MARIA-RESURECCION BITA BORIESA

First Secretary of the Embassy of Equatorial Guinea in Gabon.

Mr. LUIS OBIANG MENGUE

Diplomatic Officer at the Ministry of Foreign Affairs.

After an exchange of points of view between the two Heads of the Delegation, they agreed to have the experts review the articles, having as base documents the Cooperation Agreement and to correct and introduce the amendments.

Once all the articles of said Cooperation Agreement were analyzed, the two Delegations reached the following conclusions:

I. THE TITLE:

At the proposal of the Equatorial Guinean party, and after an exchange of points of view between the two Delegations, both parties agreed to amend the title of the Agreement, which from now on shall be: "COOPERATION AGREEMENT ON HYDROCARBON MATTERS BETWEEN THE REPUBLIC OF EQUATORIAL GUINEA AND THE GABONESE REPUBLIC."

However, the Gabonese party thinks that this amendment must be set forth in an article in the future, in the Oil Cooperation Agreement.

II. RECITALS No amendments.

III. ARTICLE ONE: No amendments.

IV. ARTICLE TWO: Both parties agree to complete it as follows:

./.

TRANSLATION

— 4 —

Paragraph 3: "In applying the provisions of the foregoing paragraph, the aforementioned Oil Commission shall decide if needed the nature of the Mixed Equatorial Guinean-Gabonese Companies to be created. "

Paragraph 4: "The APCs¹ agree to grant to the Mixed Companies so created investment, regulatory and tax conditions not less favorable than those granted to companies engaged in analogous activities operating in their respective territories. "

V.- ARTICLE THREE: No amendments.

VI.- ARTICLE FOUR: No amendments.

VII.-ARTICLE FIVE: This Article has been amended and adopted as follows: "The Gabonese party agrees to benefit the Equatorial Guinean party with its experiences acquired in its national territory on the matter of hydrocarbons."

"The Equatorial Guinean Party reciprocally agrees to benefit the Gabonese Party with its experiences acquired in its national territory on the matter of hydrocarbons."

[Mark] VIII.- ARTICLE SIX: This Article has been the subject of different points of view.

The Gabonese Party maintains the wording of Article Six of the original document that reads as follows verbatim:

"Both Parties grant the Gabonese national oil company PETROGAB an exclusive right of exploration and of oil production in the maritime zone located between "[Handwritten: "1°1]", 14" (one [---]degree, one minute, fourteen seconds) North Parallel of Latitude and "0,41', 32" (zero [---]degree, forty-one minutes and thirty two seconds) North Parallel of Latitude."

The Equatorial Guinean Party has proposed the following wording:

./.

TRANSLATOR'S FOOTNOTE

1 "APC" ("APCs" plural for "the APCs") left in the original, its meaning unknown.

WATER STREET TRANSLATIONS

TRANSLATION

— 5 —

"The APCs agree to assign, each one of them, a zone for purposes of joint exploration and exploitation of the hydrocarbon resources existing therein.

"Said Zone, whose limits shall be determined solely and exclusively for purposes of exploration and exploitation of hydrocarbons by mutual agreement of the APCs, may be awarded either to the Mixed Company created in accordance with this Agreement or to any group of oil companies or company out of common agreement among the APCs."

IX.- ARTICLE SEVEN: This Article was adopted as follows:

"The APCs agree to establish a Guinean-Gabonese Mixed Company, whose purposes shall be defined by the Hydrocarbon Commission created by this Agreement.["]

X.- ARTICLE EIGHT: Both parties have agreed to replace the term: "The Gabonese Party agrees to under the terms of["] [with]: "The APCs agree, out of common agreement, to find ..."

XI.- ARTICLE NINE: The two Delegations have agreed to delete this Article.

XII.- ARTICLE TEN: Both parties have agreed to adopt the following formulation:

"The APCs agree, out of respect for the oil legislation of their respective countries, to review most diligently as needed any request for hydrocarbon exploration and exploitation permits filed by said Mixed Company and its potential subsidiaries which, under equal competitive conditions, shall benefit from priority over those filed by other applicants in their respective countries."

./.,

TRANSLATION

— 6 —

XIII.— ARTICLE ELEVEN: No amendments.

In the course of the negotiations, the Head of the Equatorial Guinean Delegation was received in a Hearing by the Gabonese Head of State, His Excellency EL HADJ OMAR BONGO, to whom he delivered a message addressed to him by his Brother and Friend the Chairman of the Supreme Military Council, His Excellency Colonel OBIANG NGUEMA MBASOGO.

At the closing session the two Delegations congratulated each other for the environment of trust and sincerity that characterized the work of the Ad Hoc Commission.

On his part, the Head of the Equatorial Guinean Delegation thanked the Gabonese Authorities for the kind attention given to him and to his Delegation during their stay in Libreville.

Both parties agreed to hold their next meeting in Malabo, on a date to be scheduled through diplomatic channels.

Done in Libreville, on the nineteenth day of March, nineteen hundred eighty-two, in two counterparts, in the Spanish and French languages, both texts equally binding.

FOR THE REPUBLIC OF
EQUATORIAL GUINEA,

[(Signed) Illegible]

Policarpo Mosuy Mba,
Commissioner of State of the Ministry
of Industry and Energy.

FOR THE GABONESE REPUBLIC,

[(Signed) Illegible]

Obame Nguema Paulin
Secretary of State
at the Ministry of
Oil and Mines.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Anthony Palomo, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

08/02/21

Date



ACTA DE LA COMISION AD HOC SOBRE LA REVISION DEL
 ACUERDO DE COOPERACION PETROLERA EXISTENTE ENTRE
 LA REPUBLICA DE GUINEA ECUATORIAL Y LA REPUBLICA
 ===== GABONESA =====

Conforme a la decisión de la Gran Comisión Mixta de Cooperación Guineo-Gabonesa, celebrada del 22 al 16 de septiembre del pasado año 1.981, las dos partes se han reunido en Libreville del 16 al 18 de - Marzo de 1.982, para revisar el Acuerdo de Cooperación Petrolera entre la República de Guinea Ecuatorial y la República gabonesa, firmado en noviembre de 1.979, por los dos Jefes de Estado.

Durante las negociaciones, la Delegación gabonesa ha estado --- compuesta como sigue:

S.E. OBAME NGUEMA PAULIN
 Secretario de Estado del Ministerio de Minas y Petroleo.

Sra. OYANE SERAPHINE
 Delegada Ministerial en el Ministerio de Comercio.

Sr. SIMON BOULAMATARI
 Secretario General de la Presidencia, Encargado de Relaciones Comerciales.

Sr. DOSSOU AWORET SAMUEL
 Director General del Ministerio de Minas y Petroleo.

Sr. OBIANG MAXIME
 Director de Asuntos Económicos en el Ministerio de Minas y Petroleo.

Sr. MBA ELA
 Director Adjunto de Comercio Exterior.

Sr. JOSEPH OSSAD NKOGHE
 Jefe de Servicio de la Dirección de Africa en el Ministerio de Asuntos Exteriores.

Sr. BANGOLE YENVOU FAUSTIN
Director General Adjunto de PETROGAB.

Sr. MBA NDOUTUMU
Jefe de la Oficina de la Zona de Africa Central y --
Occidental en el Ministerio de Asuntos Exteriores.

Sr. NZE MVELLE ARTHUR
Ingeniero de PETROGAB.

Srta. BRIGITTE JOBET
Ingeniero de PETROGAB.

Sr. IGONDJO HENRI
Encargado de Estudios en la Dirección de Africa en el
Ministerio de Asuntos Exteriores.

Y por la parte ecuato-guineana, la Delegación estuvo integra
da por los siguientes Miembros:

S.E. POLICARPO MOSUY MBA
Comisario de Estado del Ministerio de Industria y Ener-
gía.

S.E. JUAN OLO MBA NSENG
Comisario de Estado Adjunto de la Secretaría de Estado
para Comercio.

S.E. MARCELINO NGUEMA ONGUENE
Secretario Técnico del Ministerio de Sanidad.

ILMO. SR. RAIMUNDO ERAUL MUÑEZ
Secretario Técnico Adjunto de la Secretaría de Estado
para el Plan de Desarrollo Económico y Cooperación.

S.E. BATHO OBAM NSUE MENGUE
Embajador Extraordinario y Plenipotenciario de la Repú-
blica de Guinea Ecuatorial en Gabón.

ILMO. SR. DAMIAN ONDO MAÑE
Director del Gabinete Técnico de la Presidencia.

- 3 -

ILMO.SR. ANGEL NDJENG OLO
 Director Técnico de Minas e Hidrocarburos.

D. JULIO ONDO NDEMENSOGO
 Jefe del Gabinete del Ministerio de Industria y Energía.

D^a. MARIA-RESURECCION BITA BORIESA
 Primer Secretario de la Embajada de Guinea Ecuatorial en Gabón.

D. LUIS OBIANG MENGUE
 Funcionario Diplomático en el Ministerio de Asuntos Exteriores.

Después de un intercambio de punto de vista entre los dos Jefes de Delegaciones, han convenido de que los expertos examinen los artículos, teniendo como documento base el Acuerdo de Cooperación a enmendar e introducir las modificaciones.

Una vez analizadas todos los artículos de dicho Acuerdo de Cooperación, las dos Delegaciones han llegado a las siguientes conclusiones:

I.- DEL TITULO:

A propuesta de la parte ecuatoguineana, y después de un intercambio de punto de vista entre las dos Delegaciones, ambas partes convienen reformar el título del Acuerdo, que será en lo sucesivo: "ACUERDO DE COOPERACION EN MATERIA DE HIDROCARBUROS ENTRE LA REPUBLICA DE GUINEA ECUATORIAL Y LA REPUBLICA GABONESA".

No obstante, la parte gabonesa, piensa que esta reforma debería consignarse por un artículo en el futuro, al Acuerdo de Cooperación -- Petrolera.

II.- PREAMBULOS Sin modificación.

III.- ARTICULO PRIMERO: Sin modificación.

IV.- ARTICULO SEGUNDO: Ambas partes convienen completarlo como sigue:

./.

Párrafo 3º: "En aplicación de las disposiciones del párrafo anterior, la citada Comisión Petrolera decidirá en caso de necesidad sobre la naturaleza de las Sociedades Mixtas --- Guineo-Gabonesa a crear".

Párrafo 4º: "Las APC, se comprometen en acordar a las -- Sociedades Mixtas así creadas, las condiciones de inversiones, reglamentarias y fiscales no menos favorables que aquéllas que conceden a Sociedades de actividades análogas, que operan en - sus respectivos territorios".

V.- ARTICULO TERCERO: Sin modificación.

VI.- ARTICULO CUARTO: Sin modificación.

VII.- ARTICULO QUINTO: Este artículo ha sido modificado y adoptado como sigue: "La parte Gabonesa, se compromete a hacer beneficiar a la parte Ecuato-Guineana sus experiencias adquiridas - en su territorio nacional en materia de hidrocarburos".

"La Parte Ecuato-Guineana, se compromete recíprocamente a hacer beneficiar a la Parte Gabonesa, de sus experiencias adquiridas en su territorio nacional en materia de hidrocarburos".

* VIII.- ARTICULO SEXTO: Este artículo ha sido objeto de puntos de vista diferentes.

La Parte Gabonesa mantiene la redacción del artículo sexto del documento original que textualmente dice como sigue:

"Las dos Partes conceden a la Sociedad nacional petrolera - gabonesa PETROGAB un derecho exclusivo de la exploración y de - la producción petrolera en la zona marítima situada entre el -- paralelo Norte de Latitud "01',14" (un ~~cu~~grado, un minuto, catorce segundos) y Paralelo Norte de la Latitud "0,41',32" (cero ~~cu~~grado, cuarenta y un minutos, treinta y dos segundos)"

La Parte Ecuato-guineana, ha propuesto la siguiente redacción:

./.

- 5 -

"Las APC acuerdan destinar, cada una de ellas, una zona para los fines de exploración y explotación conjunta de los recursos de hidrocarburos existentes en la misma.

"Dicha Zona, cuyos límites serán determinados única y exclusivamente para fines de exploración y explotación de -- hidrocarburos por acuerdo mutuo de las APC, podrá adjudicarse bien a la Sociedad Mixta creada conforme al presente Acuerdo, o a cualquier empresa o grupo de empresas petroleras, de común acuerdo entre las APC".

IX.- ARTICULO SEPTIMO: Ha quedado adoptado como sigue:

"Las APC acuerdan constituir una Sociedad Mixta Guineo-Gabonesa, cuyos objetos serán definidos por la Comisión de -- Hidrocarburos creada por este Acuerdo.

X.- ARTICULO OCTAVO: Ambas partes han convenido en sustituir el término de: "La Parte Gabonesa se compromete en los términos de: "Las APC se comprometen de común acuerdo, a encontrar ..."

XI.- ARTICULO NOVENO: Las dos Delegaciones han acordado de -- suprimir este artículo.

XII.- ARTICULO DECIMO: Ambas partes han convenido adoptar la siguiente formulación:

"Las APC se comprometen dentro del respeto de la legislación en materia de hidrocarburos de sus respectivos países, -- a examinar con toda la diligencia necesaria las solicitudes -- de permiso de exploración y explotación de hidrocarburos hechas por dicha Sociedad Mixta y sus posibles filiales que en condiciones igualmente competitivas se beneficiarán de una prioridad sobre los otros solicitantes presentados en sus respectivos -- Países".

XIII.- ARTICULO UNDECIMO: Sin modificación.

Durante el transcurso de la negociaciones, el Jefe de la Delegación Ecuatoguineana ha sido recibido en Audiencia por el Jefe del Estado Gabonés, S.E. EL HADJ OMAR BONGO, - a quien hizo entrega de un mensaje que le dirigió su Herma^{no} y Amigo el Presidente del Consejo Militar Supremo, S. E. Coronel OBIANG NGUEMA MBASOGO.

En la sesión de clausura las dos Delegaciones se han felicitado por el clima de confianza y de franqueza que ha caracterizado los trabajos de la Comisión ad hoc.

Por su parte, el Jefe de la Delegación Ecuatoguineana ha agradecido a las Autoridades gabonesas por las atenciones de que ha sido objeto y su Delación, durante su estancia en Libreville.

Las dos partes han convenido celebrar su próxima reunión ad hoc en Malabo, en una fecha que será fijada por vía diplomática.

Hecho en Libreville, el día diecinueve de Marzo de mil novecientos ochenta y dos, en doble ejemplar, en lenguas es^{pa}ñola y francesa, ambos textos teniendo igual fé.

POR LA REPUBLICA DE
GUINEA ECUATORIAL,

Polycarpe Mosuy Mba
Polycarpo Mosuy Mba,
Comisario de Estado del Ministerio
de Industria y Energía.

POR LA REPUBLICA GABONESA,

Obame Nguema Paulin
Obame Nguema Paulin
Secretario de Estado
en el Ministerio de
Minas y Petroleo.

Annex 205

Minutes of the Second Session of the Ad Hoc Commission on the Review of the Oil Cooperation Agreement Between the Republic of Equatorial Guinea and The Gabonese Republic, Malabo (10-13 September 1984)

TRANSLATION



//-) ACCOUNT OF THE SECOND SESSION OF THE AD HOC COMMISSION
ON REVIEW OF THE OIL COOPERATION AGREEMENT BETWEEN THE
REPUBLIC OF EQUATORIAL GUINEA AND THE GABONESE REPUBLIC

----- (Libreville, September 10-13, 1984)

Pursuant to the decision of the Third session of the Great Equatoguinean-Gabonese Mixed Cooperation Commission held in Malabo from May 11 to 14, 1983, the Second Session of the Ad Hoc Commission on hydrocarbons, created by the Second Session of the 1981 Great Equatoguinean-Gabonese Mixed Cooperation Commission, took place in Libreville from September 10 to 13, 1984 under the leadership of His Excellency Mr. Augustin HERVO-AKENDENGUE, Assistant Minister to the Second Deputy Prime Minister, Minister of Mines and Hydrocarbons.

The Equatoguinean Delegation was led by His Excellency Mr. Juan OLO MBA NSENG, Assistant Minister to the Office of the President Responsible for Mines and Hydrocarbons.

The lists of both delegations are attached as annexes.

The opening ceremony was characterized by the two speeches given by the Gabonese Minister and his Equatoguinean counterpart.

...///...

[initials]

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 2 -

In his speech, Minister HERVO-AKENDENGUE placed special emphasis on the sound historical and geographical relations that compel Equatorial Guinea and Gabon to cooperate closely in all economic sectors, further manifesting the spirit of the Lagos declaration, and more specifically, the Libreville declaration that gave rise to the Economic Community of Central African States.

In his response, Minister OLO MBA NSENG expressed that his Government's aspirations are in the same vein and therefore the two countries must show solidarity to consolidate the South-South relations within our Subregion. Furthermore, I wish for the Commission's work to be met with great success.

The two Delegation Heads were assisted by a Committee of Experts chosen by a Working Group comprised of a Chair, Mr. AMPAMBA GOUERANGUE, Advisor to the Office of the President of the Gabonese Republic, Director General of Mines and Geology; a Recording Secretary, Mr. EVUNA OWONO, Secretary General of the Ministry of Foreign Affairs and Cooperation of the Republic of Equatorial Guinea; and a Co-Recording Secretary, Mr. BEKALE EKOMOE, Head of the OAU Division in the Ministry of Foreign Affairs and Cooperation of the Gabonese Republic.

The Ad Hoc Commission's scope was extended to include the Mineral Raw Materials sector.

The Agenda, as amended and adopted by the Ad Hoc Commission, is as follows:

1. COOPERATION IN HYDROCARBON MATTERS

- 1.1. Determination of the joint oil development zone.
- 1.2. Creation of a Joint Venture Oil Company and determination of its capital structure.
- 1.3. Rights and Obligations of the Joint Venture.

...///...

[initials]

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 3 -

II. COOPERATION IN THE MINERAL RAW MATERIALS SECTOR

II-I Exchange of perspectives on the Draft Agreement.

III. MISCELLANEOUS MATTERS

The Ad Hoc Commission met in a full session and reached the following conclusions:

I. COOPERATION IN HYDROCARBON MATTERS

I.1. Determination of the Joint Oil Development Zone

The Gabonese Party welcomed the fact that relations in the hydrocarbons sector were proceeding to the benefit of both countries.

The Gabonese Party recalled the point of the negotiations on the application of the 1979 Oil Agreement, taking into consideration the denouncement by the Equatoguinean Party of Article 6 of such Agreement.

In relation to the joint development zone, the Gabonese Party maintains the definition it put forward in the 1979 Agreement, i.e.: the maritime area included between the 1° 1' 14" and 0° 41' 32" North latitude parallels (one degree one minute fourteen seconds and zero degrees forty-one minutes and thirty-two seconds North latitude), which includes the Equatoguinean islands of CORISCO and the ELOBEYS.

As a result of the overlapping sovereignty in these waters, the Gabonese Party understands that this zone would be best suited for joint development, regardless of any determination of maritime boundaries between the two countries, which determination will be made in due time by other competent entities.

The Gabonese Party noted that the joint development structures that would be implemented would remain intact in all cases following this boundary determination.

...///...

[initials]

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 4 -

Following the Gabonese position, the Equatoguinean Party commented that the islands of CORISCO and ELOBEY Grande and Chico are an integral part of Equatorial Guinea's National Territory; they enjoy the right to have a territorial sea, pointing out that they must receive treatment appropriate to maritime territories of States with opposite and/or adjacent coasts. The Equatoguinean Party understands that there can be no overlapping sovereignty between States; therefore, it proposes a more suitable joint development maritime zone, included between 0° 50' 00" and 0° 36' 32" North latitude parallels (zero degrees fifty minutes zero seconds and zero degrees thirty-six minutes thirty-two seconds).

To explain its proposal, the Equatoguinean Party relied on Article 7 of the Constitution of Equatorial Guinea—which determines that the National Territory of the Republic of Equatorial Guinea is, with respect to its maritime portion, comprised of the islands of BIOKO, CORISCO, ANNOBON, ELOBEY GRANDE, ELOBEY CHICO, and the adjacent islets—and on the recent 1982 Jamaica Convention on the Law of the Sea. This means that the zone proposed by the Gabonese Party is located entirely within territory that falls under the sovereignty of Equatorial Guinea, with the understanding that the mention of these legal texts does not entail any boundary delimitation, but rather a demonstration of Equatoguinean sovereignty over this zone.

With respect to the structures to be implemented within the joint development zone, following a determination of boundaries, the Equatoguinean Party believes that the issue should be raised before higher competent entities.

For the Gabonese Party, the joint development zone defined by the Equatoguinean Party lies fully within Gabonese territory, given that, according to it, the 0° 50' 00" parallel passes through the point of BOUYOUMBA, well to the South of Cocobeach, and that the 0° 36' 32" parallel passes through the Cabo ESTERIAS lighthouse.

...///...

[initials]

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 5 -

For the Gabonese Party, this proposal is unacceptable, and it asked the Equatoguinean Party to change it. The Gabonese Party reaffirmed that the most suitable joint development zone continues to be that defined in the 1979 Agreement signed by the two Heads of State. In fact, according to the Gabonese Party, the general principles of law defined by the 1982 United Nations Convention on the Law of the Sea and invoked by the Equatoguinean Party to reaffirm its sovereignty over the zone proposed by the Gabonese Party are the same principles upon which the Gabonese claims are based, which gives rise to overlapping sovereignty.

The Gabonese Party also noted that the boundary delimitation problems are outside the scope of the Ad Hoc Commission and only fall to the Heads of State.

The Equatoguinean Party agrees with the Gabonese Party in the sense that the Ad Hoc Commission is not the appropriate place in which to address boundary problems. However, it maintains its position not to discuss other matters until there is clarity with respect to the joint development zone.

Both parties maintain their respective positions on the determination of the joint development zone; the Gabonese Party then suggests examining the other items on the Agenda.

The Equatoguinean Party makes the examination of other Agenda items conditional on reaching conclusions on the first Agenda item. Consequently, the Head of the Gabonese Delegation proposed suspending the work of the Ad Hoc Commission, which the Equatoguinean Delegation accepted.

During the closing session, both Delegations congratulated one another on the climate of trust and honesty that prevailed during the Ad Hoc Commission's working sessions.

....///....

[initials]

[initials]

TRANSLATION

- 6 -

For his part, the Head of the Equatoguinean Delegation expressed appreciation to the Gabonese authorities for the hospitality shown to him and to the Delegation joining him during their stay in Gabon.

Done in Libreville, on the thirteenth day of the month of September, nineteen hundred and eighty-four, in duplicate in the French and Spanish languages, with both texts being equally valid.

FOR THE PARTY OF THE REPUBLIC OF
EQUATORIAL GUINEA

[signature]

His Excellency Mr. Juan OLO MBA NSENG

Assistant Minister to the Office of the
Presidency Responsible for Mines and
Hydrocarbons

FOR THE PARTY OF THE GABONESE
REPUBLIC

[signature]

His Excellency Mr. HERVO-AKENDENGUE

Assistant Minister to the Second Deputy
Prime Minister, Minister of Mines and
Hydrocarbons

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor

New York, NY 10016

www.waterstreettranslations.com

(212) 776-1713

info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Mary Lewis, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/12/21

Date





//--)) CTA DE LA SEGUNDA SESION DE LA COMISION AD HOC SOBRE
LA REVISION DEL ACUERDO DE COOPERACION PETROLERA ENTRE LA
REPUBLICA DE GUINEA ECUATORIAL Y LA REPUBLICA GABONESA

(Libreville, 10 - 13 Septiembre 1984)

Conforme a la decision de la III sesion de la Gran Comision Mixta de Cooperacion Guineoecuatorial-gabonesa que tuvo lugar en Malabo del 11 al 14 de Mayo de 1.983, la II Sesion de la Comision Ad Hoc en materia de hidrocarburos, creada por la II Sesion de la Gran Comision Mixta de Cooperacion Guineoecuatorial-Gabonesa de 1981, tuvo lugar en Libreville, del 10 al 13 Septiembre de 1.984. bajo la Presidencia del Excmo. Senor Don Augustin HERVO-AKENDENGUE, Ministro Delegado ante el Segundo Vice-Primer Ministro, Ministro de Minas e Hidrocarburos.

La Delegacion Guineo-ecuatorialiana estaba encabezada por el Excmo. Senor Don Juan OLO MBA NSENG, Ministro Delegado a la Presidencia Encargado de Minas e Hidrocarburos.

Las listas de ambas delegaciones se adjuntan como anexos.

La ceremonia de apertura fue caracterizada por los dos -- discursos pronunciados por el Ministro Gabones y su homologo -- guineo-ecuatorialiano.

...///...

- 2 -

El Ministro HERVO-AKENDENGUE, en su discurso puso especial énfasis sobre las buenas relaciones históricas y geográficas que obligan a Guinea Ecuatorial y Gabon a cooperar estrechamente en todos los sectores económicos, concretizando además el espíritu de la declaración de Lagos y más particularmente la de Libreville que dio origen a la Comunidad Económica de los Estados de África Central.

En su respuesta, el Ministro OLO MBA NSENG hizo saber que las aspiraciones de su Gobierno están en el mismo sentido y que por consiguiente los dos países deberían solidarizarse para consolidar las relaciones Sur-Sur a nivel de nuestra Subregión. Por otra parte, deseo que los trabajos de la Comisión sean coronados de éxitos.

Los dos Jefes de Delegación fueron asistidos por un Comité de Expertos que eligió una Mesa de Trabajo compuesta de un Presidente, Señor AMPAMBA GOUERANGUE, Consejero a la Presidencia de la República Gabonesa, Director General de Minas y de Geología, de un Relator General, Sr. EVUNA OWONO, Secretario General del -- Ministerio de Asuntos Exteriores y Cooperación de la República de Guinea Ecuatorial y de un Co-relator Sr. BEKALE EKOMOE Jefe de la División de la OUA en el Ministerio de Asuntos Exteriores y -- Cooperación de la República Gabonesa.

La competencia de la Comisión Ad Hoc ha sido extendida hasta el sector de Materias Primas Minerales.

El Orden del Día tal como fue enmendado y adoptado por la Comisión Ad Hoc es el siguiente :

1.- COOPERACION EN MATERIA DE HIDROCARBUROS

- 1-1. Determinación de la zona común de explotación petrolífera.
- 1-2. Creación de una Sociedad Petrolífera Mixta y definición de la estructura de su capital.
- 1-3. Derechos y Obligaciones de la Sociedad Mixta.



...///...



- 3 -

II.- COOPERACION EN EL DOMINIO DE LAS MATERIAS PRIMAS MINERALES

II-I Intercambio de puntos de vista sobre el Proyecto de -
Acuerdo.

III.- ASUNTOS VARIOS

La Comision Ad Hoc se reunió en sesion plenaria y llego a las siguientes conclusiones :

I.- COOPERACION EN MATERIA DE HIDROCARBUROS

I-I Determinacion de la Zona Comun de Explotacion Petrolifera

La Parte Gabonesa se felicito de que las relaciones en el dominio de hidrocarburos evolucionaban en beneficio de los dos paises.

La Parte Gabonesa recordo el punto de las negociaciones sobre la aplicacion del Acuerdo Petrolifero de 1.979, teniendo en cuenta la denuncia de la Parte guineo-ecuatoriana del articulo 6 del citado Acuerdo.

Con relacion a la zona comun de explotacion, la Parte Gabonesa mantiene la definicion que avanza en el Acuerdo de 1.979, a saber : la zona maritima comprendida entre los paralelos 1° 1' 14" y 0° 41' 32" de latitud norte (un grado un minuto catorce segundos y cero grados cuarenta y un minutos y treinta y dos segundos de latitud norte) la cual incluye las islas guineoecuatorianas de CORISCO y ELOBEYES.

En razon de la superposicion de la soberania en estas aguas, la Parte Gabonesa entiende que esta zona seria la mas indicada para ser objeto de una explotacion comun independientemente de toda definicion de fronteras maritimas entre los dos paises, definicion que sera hecha en su tiempo por otras instancias competentes.

La Parte Gabonesa preciso que las estructuras de explotacion comun que serian aplicadas permanecerian intactas en todos los -- casos despues de esta definicion de fronteras.

...///...

- 4 -

Tras la posicion gabonesa, la Parte Guineoecuatorial observo que las islas CORISCO, ELOBEYES grande y chico forman parte integrante del Territorio Nacional de Guinea Ecuatorial, gozan del derecho a tener su mar territorial, destacando que debian recibir el tratamiento que corresponde a los territorios maritimos de Estados cuyas costas son opuestas y/o adyacentes. La Parte - guineoecuatorial entiende que no puede haber superposicion de soberanias entre Estados, en consecuencia, propone como zona maritima de explotacion conjunta mas adecuada la comprendida entre los paralelos 0° 50' 00" y 0° 36' 32" latitud norte (Cero grados cincuenta minutos cero segundos y cero grados treinta y seis minutos treinta y dos segundos).

Para explicar su propuesta, la Parte guineoecuatorial se fundamenta en el articulo 7 de la Ley Fundamental de Guinea Ecuatorial que determina el Territorio Nacional de la Republica de Guinea Ecuatorial constituido, en su parte maritima, por las islas de BOKO, CORISCO, ANNONBON, ELOBEY GRANDE, ELOBEY CHICO e -- islotes adyacentes, y en la reciente Convencion de Jamaica de 1.982 sobre derecho del mar; lo que significa que la zona propuesta por la Parte Gabonesa se situa enteramente en territorio bajo la soberania guineoecuatorial; entendiendose que la mencion de estos textos juridicos no implica ninguna delimitacion de fronteras, sino la demostracion de la soberania guineoecuatorial sobre esta zona.

En lo que se refiere a las estructuras a aplicar dentro de la zona comun de explotacion, despues de la definicion de fronteras, la Parte guineoecuatorial estima que el tema sea elevado a instancia superiores competentes.

Para la Parte Gabonesa, la zona de explotacion comun definida por la Parte guineoecuatorial se encuentra plenamente en el territorio gabonés puesto que, segun ella, el paralelo 0° 50' 00" pasa por la punta BOUYOUMBA, muy al Sur de Cocobeach y que el paralelo 0° 36' 32" pasa por el faro del Cabo ESTERIAS.

...///...



- 5 -

Para la Parte gabonesa esta propuesta es inaceptable y ha pedido a la Parte guineoecuatorialiana de cambiarla. La Parte gabonesa reafirma que la zona comun de explotacion mas indicada sigue siendo la misma definida en el Acuerdo de 1.979 firmado por los dos Jefes de Estado. En efecto, para la Parte Gabonesa, los principios generale de derecho definidos por la Convencion de las Naciones Unidas sobre el Derecho del Mar de 1.982 e invocados por la Parte guineoecuatorialiana para reafirmar su soberania sobre la zona propuesta por la Parte Gabonesa son los mismos sobre los que se fundamentan las pretenciones gabonesas, de donde resulta una superposicion de soberanias.

La Parte Gabonesa ha precisado, ademas, que los problemas de delimitacion de fronteras no son de la competencia de la Comision Ad Hoc que unicamente competen a los Jefes de Estado.

La Parte guineoecuatorialiana esta de acuerdo con la Parte Gabonesa en el sentido de que la Comision Ad Hoc no es la instancia apropiada para tratar los problemas fronterizos. Pero, sin embargo, mantiene su posicion de no abordar otro tema antes del esclarecimiento de la zona de explotacion conjunta.

Ambas partes, manteniendo sus posiciones respectivas sobre la definicion de la zona de explotacion conjunta, la Parte Gabonesa sugiere entonces el examen de los demas puntos del orden del Dia.

La Parte guineoecuatorialiana condiciona el examen de los demas puntos del Orden del Dia a las conclusiones sobre el primer punto del mismo; en consecuencia el Jefe de la Delegacion Gabonesa propuso la suspension de los trabajos de la Comision Ad Hoc, lo que la Delegacion guineoecuatorialiana acepta.

En la sesion de clausura las dos Delegaciones de felicitaron por el clima de confianza y franqueza que ha reinado durante las sesiones de trabajo de la Comision Ad Hoc.

.....///.....

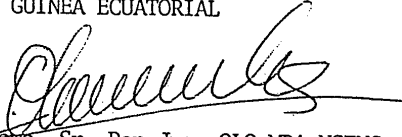


- 6 -

Por su parte, el Jefe de la Delegacion guineoecuatorialiana ha agradecido a las autoridades gabonesas por las atenciones que le fueron dispensadas a el y a la Delegacion que la acompaña durante su estancia en tierras gabonesas.


Hecho en Libreville, a trece dias del mes de Septiembre del año mil novecientos ochenta y cuatro, en doble ejemplares, en lenguas francesa y español, siendo ambos textos igualmente validos.

POR LA PARTE DE LA REPUBLICA
DE GUINEA ECUATORIAL



Excmo. Sr. Don Juan OLO MBA NSENG
Ministro Delegado a la Presidencia
Encargado de Minas e Hidrocarburos

POR LA PARTE DE LA REPUBLICA
GABONESA



Excmo. Sr. Don A. HERVO-AKENDENGUE
Ministro Delegado ante el Segundo
Vice-Primer Ministro, Ministro de
Minas e Hidrocarburos

Annex 206

The Delegation of the Republic of Equatorial Guinea, *Opening Address to the Delegation of The Gabonese Republic During the First Meeting of the Gabonese - Equatoguinean Ad-Hoc Commission* (4 November 1984)

Document 12

TRANSLATION

Esteemed Minister of State,

On behalf of the Equatoguinean Delegation, it is for me, Mr. Minister of State, a high honor to offer Your Excellency and all of the members of the Gabonese Delegation our warm welcome in Bata.

We have gathered here today to fulfill the agreement by Their Excellencies, the Heads of State of the Gabonese Republic and the Republic of Equatorial Guinea in the meeting held in Libreville on November 4th of last year, 1984.

During this meeting that I just mentioned, the Heads of State intended for the Delegations of both countries to meet in an AD-HOC commission in order for each party to explain their reasoning and come to an agreement concerning the situation of our respective Territorial Waters in the Bay of Corisco before a potential future joint activity area can be determined for development of natural resources in this zone, and to resolve the disagreements that persist with respect to the islets of Mbañe, Conga, Leva, Hoco, and Cocoterros.

Esteemed Minister of State,

Our Government's position and the political will of H.E. Coronel OBIANG NGUEMA MBASOGO, is that our disagreements over the Bay of Corisco may be resolved through peaceful measures of understanding and dialogue, as is appropriate between two brother nations.

Taking into consideration historical reasons dating back to at least 1883, as well as our inhabitants' right to exercise occupation since the colonial period, and based on the principles of the United Nations Jamaica Convention on the Law of the Sea, and specifically in relation to delimitation of the territorial sea between States with adjacent or opposite coasts, the Republic of Equatorial Guinea has always understood, and still understands, that the islands of

TRANSLATION

Corisco, Elobey Grande, Elobey Chico, the islets of Mbañe, Conga, Hoco, Leva, and Cocoteros are an integral part of the Territory of the Equatoguinean State.

Esteemed Minister of State,

On this matter, our Government stands firm in respecting the OAU's principles on boundaries inherited from former colonial powers, respecting the agreements of the meeting in Kinshasa on September 17, 1972 between Delegations from the Republic of Zaire, the Gabonese Republic, the People's Republic of the Congo, and the Republic of Equatorial Guinea, and to respect the agreements adopted in the Final Communique of the Brazzaville meeting on November 4, 1974 between the four Heads of State of the aforementioned countries on the disagreements concerning our rights in the Bay of Corisco.

For these reasons, and once the dialogue phases are underway, the situation concerning the military occupation of the islet of Mbañe maintained by Gabonese troops poses an enormous cause of concern and surprise for the Equatoguinean State, as does the incident concerning the Gabonese authorities' prevention of an Equatorial Guinea-authorized plane from flying over the island of Corisco. [These] and other boundary incidents are deeply perplexing events for us.

Mr. Minister of State,

Your Excellencies,

Honorable members of Both Delegations,

Since the colonial era, both French and Spanish former powers maintained relations of good neighborliness within our subregion. From the time of the Republic of Equatorial Guinea's independence, relations between both countries have been characterized by the continuation of a climate of cooperation, dialogue, and understanding; and within the spirit of brotherhood and good neighborliness that should prevail between our countries, my hope is that the working discussions between both Delegations may take place in a climate of mutual understanding and harmony, thereby responding to what our respective Heads of States expect from this Commission [word cut off].

TRANSLATION

Allow me, Esteemed Minister of State, to propose that before adjourning this meeting of opening remarks, we appoint a sub-commission from among both delegations, which will be responsible for implementing the work, and the findings of which will be recorded in a Procès-Verbal that would be signed by the heads of both delegations for consideration by the Heads of State.

Lastly, allow me to introduce the other members of the Equatoguinean Delegation:

His Excellency, the Minister of Mines and Hydrocarbons,

Mr. Juan OLO MBA.

His Excellency, Mr. Mariano NSUE NGUEMA, Advisor to the Office of the President for Social matters.

Illustrious Secretary General of the Ministry of Foreign Affairs and Cooperation, Mr. Alejandro EVUNA OWONO.

His Excellency, the Ambassador of the Republic of Equatorial Guinea in the Gabonese Republic, Mr. Sicinio MBANA NSORO.

Illustrious Director General of Mines and Hydrocarbons, Mr. Pastor MICHA ONDO.

Illustrious Director General of Forestry,
Mr. Francisco NDONGO OVONO.

Illustrious Director General of Territorial Administration, Mr. Alberto ABAGA ONDO BINDANG.

[illegible handwriting]

Head of the Africa Section in the Ministry of Foreign Affairs and Cooperation, Mr. Mariano EBANG ANGUESOM

Geodesic Engineer in the Ministry of Defense,
Mr. Enrique CHOCHI RIBABO.

Topographer in the Ministry of Public Works,
Mr. Rafael BONEQUE CAMA.

Interpreter, Mr. Victoriano NCA OBIANG.

[illegible handwriting]

Thank you very much!



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Mary Lewis, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/12/21

Date



Document 12

Excelentísimo Señor Ministro de Estado,

En nombre de la Delegación Ecuatoguineana, es para mí Señor Ministro de Estado, un alto honor daros a S.E. y a todos los miembros de la Delegación Gabonesa, nuestra calurosa bienvenida en Bata.

Estamos aquí hoy reunidos en cumplimiento de lo acordado por Sus Excelencias los Jefes de Estado de la República Gabonesa y de la República de Guinea Ecuatorial en la reunión celebrada en Libreville el día 4 de Noviembre del pasado año 1.984.

En la reunión que acabo de mencionar, la voluntad de los Jefes de Estado, fué que las Delegaciones de ambos países en comisión AD-HOC se reunirían con el objeto de exponer cada parte sus razonamientos y llegar a un acuerdo sobre la situación de / nuestras respectivas Aguas Territoriales en la Bahía de Corisco antes de que se pueda determinar la posible franja futura de actividades conjuntas para explotación de los recursos naturales de dicha zona; así como poder llegar a una clarificación de las diferencias que se mantienen relativas a los islotes Mbañe, Conga, Leva, Hoco y Cocoterros.

Excmo. Señor Ministro de Estado,

La posición de nuestro Gobierno y, voluntad política de S.E. Coronel OBIANG NGUEMA MBASOGO, es la de que llegara a la solución de nuestras diferencias sobre la Bahía de Corisco a -- través de la vía pacífica de comprensión y dialogo y como corresponde entre dos pueblos hermanos.

La República de Guinea Ecuatorial en consideración a razones históricas que datan al menos desde los años 1.883, así como el derecho del ejercicio de ocupación por nuestros habitantes des de la época colonial, así como en base a los principios de la Con vención de Jamaica de las Naciones Unidas sobre el Derecho del -- Mar y concretamente en lo relativo a la delimitación del mar te rritorial entre Estados de costas adyacentes o situadas frente a frente, ha entendido siempre y sigue entendiendo que las islas d

Corisco, Elobey Grande, Elobey Chico, los islotes Mbañe, Conga, Hoco, Leva y Cocotereros son parte integrante del Territorio del Estado Ecuatoguineano.

Excelentísimo Señor Ministro de Estado,

Nuestro Gobierno en este tema, se mantiene en respetar los principios de la OUA sobre las fronteras heredadas de las expotencias coloniales; respetar los acuerdos de la reunión de Kinshasa del 17 de septiembre de 1.972 entre las Delegaciones de la República de Zair, la República Gabonesa, la República Popular del Congo y la República de Guinea Ecuatorial; así como respetar los acuerdos adoptados en el Comunicado final de la reunión de Brazzaville del 4 de Noviembre de 1.974 entre los cuatro Jefes de Estado de los países antes indicados sobre las discrepancias relativas a nuestros derechos en la Bahía de Corisco.

Por estas razones, y una vez de lleno en las fases de conversaciones, la situación de ocupación militar del islote Mbañe que se mantiene por las tropas gabonesas constituye causa de enorme preocupación y extrañeza para el Estado Ecuatoguineano; así como el incidente relativo al impedimento de las autoridades Gabonesas del sobrevuelo por la isla de Corisco de un avión autorizado por el Gobierno de Guinea Ecuatorial, y otros incidentes fronterizos, constituyen hechos que nos llenan de perplejidad.

Excmo. Señor Ministro de Estado,

Excelentísimos Señores,

Honorables miembros de Ambas Delegaciones,

Desde la época colonial las dos expotencias Francia y España sostuvieron dentro de nuestra subregión unas relaciones de buen vecindad. Desde la fecha de la independencia de la República Guinea Ecuatorial las relaciones entre ambos países se han caracterizado por el mantenimiento de un clima de cooperación, diálogo y comprensión; y dentro del espíritu de fraternidad y buena vecindad que debe regir entre nuestros países, deseo que las discusiones de trabajo entre ambas Delegaciones se sostengan en un clima de mutua comprensión y armonía, respondiendo de esa manera con lo que esperan nuestros respectivos Jefes de Estado, de esta Comisión

Permítame Excmo. Señor Ministro de Estado, proponer que antes de levantar esta reunión de apertura de conversaciones, designemos una sub-comisión entre ambas delegaciones, la cual se encargará de materializar los trabajos, y cuyos resultados se plasmaran en un documento Proceso Verbal que sería firmado por los responsables de las dos delegaciones para consideración de los Jefes de Estado.

Permítame finalmente presentarles a los otros miembros de la Delegación Ecuatoguineana:

Excmo. Señor Ministro de Minas e Hidrocarburos,
Don Juan OLO MBA.

Excmo. Señor Don Mariano NSUE NGUEMA, Consejero a la Presidencia en materia Social.

Iltmo. Señor Secretario General del Ministerio de Asuntos Exteriores y Cooperación, Don Alejandro EVUNA OWONO.

Excmo. Señor Embajador de la República de Guinea Ecuatorial en la República Gabonesa, Don Sicinio MBANA NSORO.

Iltmo. Señor Director General de Minas e Hidrocarburos,
Don Pastor MICHA ONDO.

Iltmo. Señor Director General Forestal,
Don Francisco NDONGO OVONO.

Iltmo. Señor Director General de la Administración Territorial, Don Alberto ABAGA ONDO BINDANG.

Señor ^{Subsecretario} Jefe de Sección de Africa, en el Ministerio de Asunto Exteriores y Cooperación, Don Mariano EBANG ANGUESOM.

Señor Ingeniero Geodesta en el Ministerio de Defensa,
Don Enrique CHOCHI RIBABO.

Señor Topógrafo en el Ministerio de Obras Públicas,
Don Rafael BONEQUE CAMA.

Señor Interprete, Don Victorino NCA OBIANG.

Am...nd

! Muchas gracias !

Annex 207

Minutes of the Guinean-Gabonese Ad Hoc Commission on the Delimitation of the Maritime Boundary in Corisco Bay, Bata (10-16 November 1985)

TRANSLATION

Minutes of the Guinea-Gabonese Ad Hoc Commission on the Delimitation of the Maritime Boundary in Corisco Bay. (Bata, November 10-16, 1985)

In accordance with the will of the Governments of the Republic of Equatorial Guinea and the Gabonese Republic—as well as the will of Presidents OBIANG NGUEMA MBASOGO and Hadj OMAR BONGO—the Ad Hoc Commission on the Delimitation of the Maritime Boundary in Corisco Bay held meetings between the Republic of Equatorial Guinea and the Gabonese Republic in Bata, second capital of the Republic of Equatorial Guinea from November 10 to 16, 1985.

Equatorial Guinea's delegation was led by Mr. FORTUNATO NZAMBI MACHINDE (Minister of Industry, Commerce, and Business promotion) and was composed of the following members:

- 1 – Mr. Juan OLO MBA, Minister of Mines and Hydrocarbons.
- 2 – Mr. Mariano NSUE NGUEMA, Advisor to the President on Social Affairs.
- 3 – Mr. Alejandro EVUNA OWONO, Secretary-General of the Ministry of Foreign Affairs and Cooperation.
- 4 – Mr. Sisinio MBANA NSORO, Ambassador of the Republic of Equatorial Guinea to Gabon.
- 5 – Mr. Pastor MICHA ONDO, Director General of Mines and Hydrocarbons.
- 6 – Mr. Francisco NDONGO OVONO, Director General of Forestry.
- 7 – Mr. Alberto ABAGA ONDO BINDANG, Director General of Territorial Administration.

TRANSLATION

8 – Mr. MARIANO EBANG ANGUESOMO, Chair of the Africa, Asia, and Australia in the Ministry of Foreign Affairs and Cooperation.

9 – Mr. ENRIQUE CHOCHI RIBABO, Geodetic Engineer in the Ministry of National Defense.

10 – Mr. RAFAEL BONEKE KAMA, Topographer in the Ministry of Public Works, Housing, and Urban Planning.

11 – Mr. VICTORINO NCA OBIANG, Interpreter in the Office of the Presidency of the Government.

12 – Mr. ANACLETO ALOGO, Ministry of Foreign Affairs and Cooperation Official.

The Gabonese delegation was led by Mr. RICHARD NGUEMA BEKALE (Minister of State, Minister of Territorial Administration and Local Authorities) and was composed of the following members:

1 – Mr. HUBERT OKOUMA, Ambassador of the Gabonese Republic to the Republic of Equatorial Guinea.

2 – Mr. RENE NDEMEZO'O, Advisor to the Minister of State, Minister of Territorial Administration and Local Authorities.

3 – Mr. VICTOR MPIRA, Advisor to the Prime Minister.

4 – Mr. JOSEPH OBIANG NTUTUMU, Consul General of the Gabonese Republic in Bata.

5 – Mr. ALEXIS-CLAUDE AKE, Director of Documentation and Borders in the Ministry of Territorial Administration and Local Authorities.

TRANSLATION

6 – Mr. André SMITH, Advisor of Foreign Affairs to the Ministry of Foreign Affairs and Cooperation.

7 – Ms. Jacqueline BENGA MEYE, First Secretary at the Embassy of the Gabonese Republic in Equatorial Guinea.

8 – Ms. Christine EFIRI, Secretary at the Gabonese Consulate in Bata.

The two delegation chairs delivered opening speeches, the texts of which are attached.

The Ad Hoc Commission adopted the agenda, following the amendment presented by the Gabonese delegation of point II, titled “examination of Corisco Bay’s jurisdictional waters,” proposed by Equatorial Guinea as “delimitation of the maritime boundary between the Republic of Equatorial Guinea and the Gabonese Republic.” This Agenda is composed of the following points:

- I. Opening of the negotiations by the delegation chairs.
- II. Delimitation of the maritime boundary in Corisco Bay.
- III. Miscellaneous.

The Ad Hoc Commission established a sub-commission of experts from both delegations to study in detail the delimitation of the maritime boundaries between the Republic of Equatorial Guinea and the Gabonese Republic.

The sub-commission of experts was chaired, on Equatorial Guinea’s side, by Mr. ALEJANDRO EVUNA OWONO ASANGONO, Secretary General of the Ministry of Foreign Affairs and Cooperation.

TRANSLATION

The Gabonese delegation, on the other hand, was chaired by Mr. René NDEMEZO'O, Advisor to the Minister of State, Minister of Territorial Administration and Local Authorities.

Point Two – Delimitation of the Maritime Boundary between the Republic of Equatorial Guinea and the Gabonese Republic.

Both parties have reaffirmed a series of principles and basic criteria to be used in delimiting the maritime boundary between the Republic of Equatorial Guinea and the Gabonese Republic, in particular the following:

- a) The principle of acceptance of the borders inherited from the former colonial powers (Treaty of Paris of 1900).
- b) The principle of applying law of the sea international conventions that have been ratified and accepted by the States.
- c) Respect for States' sovereignty over their respective national territories.

Based on these principles, and in accordance with the criteria of equidistance, Equatorial Guinea presented a layout of the baselines to be used to determine its territorial sea in Corisco Bay, connecting the following points:

- From Cabo San Juan (Corisco)
- From Punta Ugoni to Punta Yake, passing through Leva
- From Punta Yake to Punta Masaka (Elobey Grande)
- From Punta Masaka to Elobey Chico, and
- From Elobey Chico to Punta Yake (Rio Muni's Coast).

TRANSLATION

Gabon indicated that the points establishing the baseline of its territorial waters in Corisco Bay pass through the following points:

- From Cabo Estarias to Mbañe
- From Mbañe to Cocobeach

Equatorial Guinea rejected the baseline that Gabon presented, since it passes through Mbañe Island, which, according to them, is an integral part of the Republic of Equatorial Guinea's national territory, as well as the islets of Leva, Hoco, Conga, and Cocoterros.

Gabon rejected Equatorial Guinea's allegations and affirmed that Mbañe Island, as well as the islets of Leva, Hoco, Conga, and Cocoterros, constitute an integral part of Gabonese territory.

Regarding the maritime boundaries between the Equatoguinean territory of Annobon Island and Gabonese territory, both parties agreed that they did not pose any particular difficulty and that the maritime boundaries would be determined in accordance with the Jamaica Convention's provisions.

Point Three. Miscellaneous

No issue under this point has been raised for the Ad Hoc Commission's consideration.

Both parties were pleased with the spirit of dialogue, understanding, and mutual respect that prevailed during the work.

TRANSLATION

The Gabonese delegation thanked the Government and people of the Republic of Equatorial Guinea for the hospitality, warm welcome, and all of the facilities provided to them during their stay in Bata—which has been a true reflection of the excellent friendship and fraternity between the brotherly countries and between Presidents OBIANG NGUEMA MBASOGO and EL HADJ OMAR BONGO.

Done in Bata, on the sixteenth day of November of the year nineteen eighty-five, in two versions in French and Spanish, with both being equally valid.

For the delegation of Equatorial Guinea
[signature]
FORTUNATO NZAMBI NACHINDE

For the Gabonese delegation
[signature]
RICHARD NGUEMA BEKALE

**WATER STREET TRANSLATIONS, LLC**

10 East 39th Street, 12th Floor

New York, NY 10016

www.waterstreettranslations.com

(212) 776-1713

info@waterstreettranslations.com**CERTIFICATION OF ACCURACY OF TRANSLATION**

This hereby confirms that the foregoing translation was prepared by Timothy Friese, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/08/21

Date





**ACTA DE LA COMISION AD HOC GUINEO-GABONESA
SOBRE DELIMITACION DE LA FRONTERA MARITIMA EN LA
BAHIA DE CORISCO. (BATA, 10 - 16 NOVIEMBRE 1.985)**

Conforme a la voluntad de los Gobiernos de la República de Guinea Ecuatorial y de la República Gabonesa, así como de sus Presidentes Sus Excelencias OBIANG NGUEMA MBASOGO y el Hadj OMAR BONGO, ha tenido lugar en la ciudad de Bata, segunda capital de la República de Guinea Ecuatorial, del 10 al 16 de Noviembre de 1.985, las reuniones de la Comisión Ad-Hoc sobre la delimitación de la frontera marítima en la bahía de Corisco, entre la República de Guinea Ecuatorial y la República Gabonesa.

La Delegación ecuatoguineana estaba presidida por el Excelentísimo Señor Don FORTUNATO NZAMBI MACHINDE, Ministro de Industria, Comercio y Promoción Empresarial, compuesta por los siguientes miembros:

- 1.- Excmo. Señor Don Juan OLO MBA, Ministro de Minas e Hidrocarburos.
- 2.- Excmo. Señor Don Mariano NSUE NGUEMA, Consejero a la Presidencia en materia Social.
- 3.- Iltmo. Señor Don Alejandro EVUNA OWONO, Secretario General del Ministerio de Asuntos Exteriores y Cooperación.
- 4.- Excmo. Señor Don Sisinio MBANA NSORO, Embajador de la República de Guinea Ecuatorial en Gabón.
- 5.- Iltmo. Señor Don Pastor MICHA ONDO, Director General de Minas e Hidrocarburos.
- 6.- Iltmo. Señor Don Francisco NDONGO OVONO, Director General Forestal.
- 7.- Iltmo. Señor Don Alberto ABAGA ONDO BINDANG, Director General de Administración Territorial.



8.- Señor Don MARIANO EBANG ANGUESOMO, Jefe de Sección de Africa, Asia y Australia en el Ministerio de Asuntos Exteriores y Cooperación.

9.- Señor Don ENRIQUE CHOCHI RIBABO, Ingeniero Godesta en el Ministerio de Defensa Nacional.

10.- Señor Don RAFAEL BONEKE KAMA, Topógrafo en el Ministerio de Obras Públicas, Vivienda y Urbanismo.

11.- Señor Don VICTORINO NCA OBIANG, Interprete en la Presidencia del Gobierno.

12.- Señor Don ANACLETO ALOGO, Funcionario del Ministerio de Asuntos Exteriores y Cooperación.

La Delegación gabonesa ha estado dirigida por el Excmo. Señor Don RICHARD NGUEMA BEKALE, Ministro de Estado, Ministro de Administración Territorial y de las Colectividades Locales, y estaba compuesta por los siguientes miembros:

1.- Excmo. Señor Don HUBERT OKOUMA, Embajador de la República gabonesa en la República de Guinea Ecuatorial.

2.- Señor Don RENE NDEMEZO'0, Consejero del Ministro de Estado, Ministro de Administración Territorial y de las Colectividades Locales.

3.- Señor Don VICTOR MPIRA, Consejero del Primer Ministro.

4.- Señor Don JOSEPH OBIANG NTUTUMU, Cónsul General de la República Gabonesa en Bata.

5.- Señor Don ALEXIS-CLAUDE AKE, Director de la Documentación y de Fronteras en el Ministerio de Administración Territorial y de las Colectividades Locales.

.../...



6.- Señor Don André SMITH, Consejero de Asuntos Exteriores en el Ministerio de Asuntos Exteriores y Cooperación.

7.- Señora Doña Jacqueline BENG MEYE, Primer Secretario de la Embajada de la República Gabonesa en Guinea Ecuatorial.

8.- Señora Doña Christine EFIRI, Secretaria en el Consulado de Gabón en Bata.

Los dos Jefes de Delegación han pronunciado discursos de bienvenida y de agradecimiento, cuyos textos se adjuntan.

La Comisión Ad-Hoc ha adoptado el Orden del Día, tras la enmienda presentada por la parte gabonesa al punto II, -- titulado "examen sobre la situación de las aguas jurisdiccionales de la bahía de Corisco", propuesto por la parte ecuatoguineana, por "delimitación de la frontera marítima entre la República de Guinea Ecuatorial y la República Gabonesa". Dicho Orden del Día se compone de los siguientes puntos:

- I. Apertura de las negociaciones por ambos Jefes de Delegación.
- II. Delimitación de la frontera marítima en la Bahía de Corisco.
- III. Asuntos varios.

La Comisión Ad-Hoc estableció una subcomisión de expertos de ambas delegaciones para estudiar en detalles la delimitación de las fronteras marítimas entre la República de -- Guinea Ecuatorial y la República Gabonesa.

La subcomisión de expertos estaba encabezada, por parte ecuatoguineana, por el Ilmo. Señor Don ALEJANDRO EVUNA / OWONO ASANGONO, Secretario General del Ministerio de Asuntos Exteriores y Cooperación y, por otra parte, la Delegación Ga



/4..

bonesa estaba dirigida por el Señor Don René NDEMEZO'O, Consejero del Ministro de Estado, Ministro de la Administración Territorial y de las Colectividades Locales.

PUNTO SEGUNDO.- DELIMITACION DE LA FRONTERA MARITIMA ENTRE LA REPUBLICA DE GUINEA ECUATORIAL Y LA REPUBLICA GABONESA.

Ambas partes han reafirmado una serie de principios y -- criterios básicos que han de servir para la delimitación de -- la frontera marítima entre la República de Guinea Ecuatorial y la República Gabonesa, especialmente los siguientes:

- a) El principio de la aceptación de las fronteras heredadas de las antiguas potencias coloniales. Tratado de Paris de 1.900.
- b) El principio de aplicar las convenciones internacionales en materia del derecho del mar ratificados y aceptados por los Estados.
- c) El respeto de la soberanía de los Estados sobre sus respectivos territorios nacionales.

En base a estos principios, y conforme al criterio de la equidistancia, la Parte Ecuatoguineana ha presentado el trazado de sus líneas de base que han de servir para determinar el mar territorial ecuatoguineano en la Bahía de Corisco y que une los puntos siguientes:

- De Cabo San Juan (Corisco)
- De Punta Ugoni a Punta Yake, pasando por Leva
- De Punta Yake a Punta Masaka (Elobey Grande)
- De Punta Masaka a Elobey Chico, y
- De Elobey Chico a Punta Yake (Costa de Rio Muni).

.../...



/5..

La Parte Gabonesa ha indicado los puntos que fijan la línea de base de sus aguas territoriales en la Bahía de Corisco que une los siguientes puntos:

- De Cabo Estarias a Mbañe
- De Mbañe a Cocobeach

La Parte Ecuatoguineana ha rechazado la línea de base presentado por la Parte Gabonesa por cuanto que ésta pasa por la Isla de Mbañe que, según ella, forma parte integrante del Territorio Nacional de la República de Guinea Ecuatorial, así como los islotes de Leva, Hoco, Conga y Cocoterros.

La Parte Gabonesa ha rechazado las alegaciones de la Parte Ecuatoguineana y ha afirmado que la isla de Mbañe, así como los islotes Leva, Hoco, Conga y Cocoterros forman parte integrante del territorio gabonés.

En cuanto a los límites marítimos entre el territorio ecuatoguineano de la isla de Annobón y el territorio gabonés, ambas partes han coincidido que no ofrecían ninguna dificultad particular y que se determinarían en virtud de las disposiciones de la Convención de Jamaica.

PUNTO TERCERO.- ASUNTOS VARIOS

Ninguna cuestión ha sido sometida a la consideración de la Comisión Ad-Hoc sobre este punto.

Ambas partes se felicitaron por el espíritu de diálogo, de comprensión y de respeto mutuo que reinó durante el desarrollo de los trabajos.

.../...

x 4. 4. 8

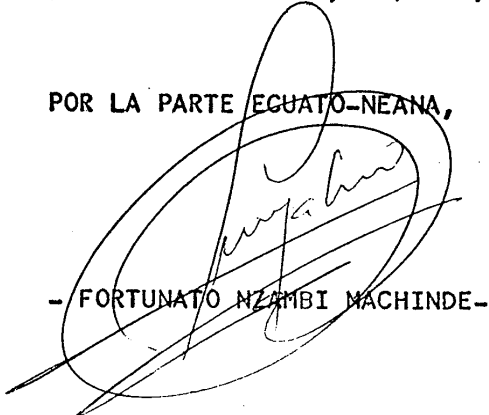


/.6..

La Delegación Gabonesa ha agradecido al Gobierno y Pueblo de la República de Guinea Ecuatorial por la hospitalidad, la calurosa acogida y por todas las facilidades que le fueron brindadas durante su estancia en la Ciudad de Bata y que ha sido fiel reflejo de las excelentes relaciones de amistad y de fraternidad existentes entre los países hermanos y de Sus Excelencias los Presidentes OBIANG NGUEMA MBASOGO y EL HADJ OMAR BONGO.

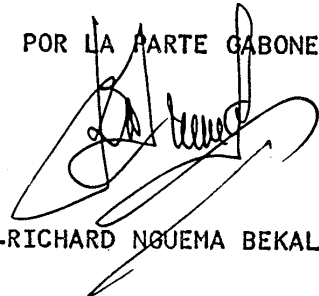
Hecho en la Ciudad de Bata, a dieciseis días del mes de Noviembre del año mil novecientos ochenta y cinco, en dos ejemplares en francés y español, siendo ambos igualmente válidos.

POR LA PARTE ECUATO-NEANA,



- FORTUNATO NZAMBI MACHINDE -

POR LA PARTE GABONESA,



- RICHARD NGUEMA BEKALE -

Annex 208

Republic of Equatorial Guinea, *French Minutes of the Gabon-Equatorial Guinea Ad Hoc Commission Responsible for the Delimitation of the Maritime Boundary in the Bay of Corisco Between the Republic of Gabon and the Republic of Equatorial Guinea, Bata*
(10 – 16 November 1985)

TRANSLATION

MINUTES
OF THE "AD HOC" GABON-EQUATORIAL GUINEA
COMMISSION CHARGED WITH DEFINING
THE MARITIME BORDER IN CORISCO BAY
BETWEEN THE GABONESE REPUBLIC AND THE
REPUBLIC OF EQUATORIAL GUINEA

(BATA, November 10-16, 1985)

In accordance with the wishes of the two Governments and Heads of State, their Excellencies EL HADJ OMAR BONGO, President of the Gabonese Republic and OBIANG NGUEMA MBASOGO, President of the Republic of Equatorial Guinea, an ad hoc commission for defining the maritime border between Gabon and Equatorial Guinea in Corisco Bay met in Bata on November 10-16, 1985.

The Gabonese delegation was led by H.E. Mr. Richard NGUEMA BEKALE, Minister of State, Minister of Territorial Administration and Local Communities

It further included:

H.E. Hubert OKOUMA	Ambassador of Gabon to Equatorial Guinea
Messrs. - Joseph OBIANG NDOUTOUME	Consul General of Gabon in Bata
- René NDEMEZO'O	Advisor to the Minister of State, Minister of Territorial Administration and Local Communities
- Victor MPIRA	Advisor to the Prime Minister
- Claude Alexis AKE	Director of Documentation and Borders for the Ministry of Territorial Administration and Local Communities
- André SMITH	Foreign Affairs Advisor to the Ministry of Foreign Affairs and Cooperation

[initials]

WATER STREET TRANSLATIONS

[initials]

TRANSLATION

Ms. Jacqueline BENGA-MEYE First Secretary into the Embassy
of Gabon and Equatorial Guinea

- Christine EFIRE Secretary to the Consulate General of
Gabon in Bata

The Equatoguinean delegation was led by H.E. Mr. Fortunato ZAMBI
MACHINDE, Minister of Industry, Commerce and the Promotion of Small and Medium
Enterprises

It further included:

H.E. Juan OLO MBA Deputy Minister to the Presidency,
Responsible for Mines and Hydrocarbons

Messrs. - Mariano NSUE NGUEMA Advisor to the Presidency on Social
Matters

- Sicinio MBANA NSORO Ambassador Extraordinary and
Plenipotentiary of the Republic of
Equatorial Guinea to the Gabonese
Republic

- Alejandro EVUNA OWONO Secretary General to the Ministry of
Foreign Relations and Cooperation

- Pastor MICHA ONDO Director General of Mines and
Hydrocarbons

- Francisco NDONGO OVONO Director General to the Ministry of
Waters and Forests and Reforestation

- Alberto ABAGA ONDO BINDANG Director General of Territorial
Administration

- Mariano EBANG ANGUESOMO Head of the Africa, Asia and Australia
Section of the Ministry of Foreign
Relations and Cooperation

- Raphaël BONEKE CAMA Topographer for the Ministry of Public
Works, Habitation and Urban Planning

- Enrique CHOCHI RIBABO Surveying Engineer for the Ministry of
National Defense

- Victorino NCA OBIANG Interpreter

- Anacleto ALOGO Official in the Foreign Affairs Ministry

[initials]

WATER STREET TRANSLATIONS

[initials]

TRANSLATION

Both delegation Heads gave welcome and thank-you speeches, which are attached in the appendix to these minutes.

The “ad hoc” commission adopted the agenda after the amendment raised by the Gabonese Party under the second item entitled: “Examination of the jurisdictional waters of Corisco Bay proposed by the Equatoguinean Party by: Definition of the Maritime Border between the Gabonese Republic and the Republic of Equatorial Guinea.”

The agenda consisted of the following items:

I – Opening discussions

II – Defining the maritime borders between Gabon and Equatorial Guinea

III – Miscellaneous

The “ad hoc” commission commissioned a sub-commission of experts.

This sub-commission was presided over for the Gabonese Party by Mr. René NDEMEZO’O, Advisor to the Minister of State, Minister of Territorial Administration and Local Communities and, for the Equatoguinean Party, by Mr. Alejandro EVUNA OWONO, Secretary General of the Ministry of Foreign Affairs and Cooperation.

II – DEFINITION OF THE MARITIME BORDER BETWEEN THE GABONESE REPUBLIC AND THE REPUBLIC OF EQUATORIAL GUINEA

Both parties reaffirmed a series of principles and basic criteria that would serve to define the maritime border between the two countries, in particular:

- The principle of respect for the borders inherited from colonization, in particular, the convention of 1900.
- The respect for international conventions that have been duly ratified, in particular, the convention on maritime law.
- The respect for the sovereignty of each State on its own territory.

On the basis of these principles and according to the criterion of equidistance, the Equatoguinean Party presented the drawing of its baseline which serves to define the Equatoguinean territorial sea in Corisco Bay.

[initials]

WATER STREET TRANSLATIONS

[initials]

TRANSLATION

This line connects the following points:

- Cap Saint-Jean – Ugoni Point (Corisco) – Yoke Point passing through
Leva – Masaka Point (Grande Elobey) – Elobey (Petite Elobey) to the Yeke point (Rio
Muni Coast).

The Gabonese Party presented the points that set the baseline of its
territorial waters in Corisco Bay and which connects the following points:

- Cap Estérias – Mbanié (island) – Cocobeach.

The Equatoguinean Party rejected the baseline presented by the
Gabonese Party because it passed through the island of Mbanié which, according to it,
is an integral part of the national territory of the Republic of Equatorial Guinea, along
with the of islets Leva – Ocho – Conga and Cocotiers.

The Gabonese Party rejected these allegations. It asserted that the island
of Mbanié and the islets of Leva – Ocho – Conga and Cocotiers form an integral part of
the Gabonese territory.

Regarding the maritime border between the Equatoguinean territory of the
island of Annobon and the Gabonese territory, both Parties agreed that the definition of
the latter does not pose any particular difficulty and that it would be drawn in accordance
with the provisions of the Jamaica convention on maritime law.

III – MISCELLANEOUS

No point was raised by either Party in this category.

X

X X

The Parties congratulated one another on the spirit of dialogue,
understanding and mutual respect that prevailed throughout the work.

The Gabonese delegation offered it thanks to the Government and the
people of Equatorial Guinea for the hospitality, warmth and welcome, and for all the care
that was paid to it throughout its stay in Bata, which reflects the excellence of the
relations of friendship and brotherhood that exist between the two brother countries,

[initials]

WATER STREET TRANSLATIONS

[initials]

TRANSLATION

which is a reflection of the relationship between their Heads of State, their Excellencies EL HADJ OMAR BONGO and OBIANG NGUEMA MBASOGO.

DONE IN BATA, ON NOVEMBER 16, 1985

In duplicate, one in the French language, one in the Spanish language, both languages being authoritative.

For the Gabonese Party

For the Equatoguinean Party

[signature]

[signature]

Richard NGUEMA BEKALE.

Fortunato ZAMBI MACHINDE.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Christine Clay, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

07/17/20

Date




 ROCES - ERBAL

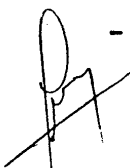
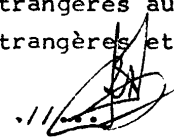
DE LA COMMISSION " AD HOC " GABON - GUINEE
EQUATORIALE CHARGEE DE LA DELIMITATION DE
LA FRONTIERE MARITIME DANS LA BAIE DE CORISCO
ENTRE LA REPUBLIQUE GABONAISE ET LA REPUBLIQUE DE
GUINEE EQUATORIALE

(BATA, 10 - 16 Novembre 1985)

Conformément à la volonté des deux Gouvernements et
des deux Chefs d'Etat, leurs Excellences EL HADJ OMAR BONGO
Président de la République Gabonaise et OBIANG NGUEMA MBASOGO
Président de la République de Guinée Equatoriale une commission
"ad hoc" pour la délimitation de la frontière maritime entre le
Gabon et la Guinée Equatoriale dans la baie de Corisco s'est
réunie à Bata du 10 au 16 Novembre 1985

La délégation Gabonaise était conduite par S.E. Monsieur
Richard NGUEMA BEKALE, Ministre d'Etat, Ministre de l'Adminis-
tration du Territoire et des Collectivités Locales
Elle comprenait en outre :

- | | |
|------------------------------|--|
| S.E. Hubert OKOUMA | Ambassadeur du Gabon en Guinée Equato-
riale |
| MM.- Joseph OBIANG NDOUTOUME | Consul Général du Gabon à Bata |
| - René NDEMEZO'O | Conseiller du Ministre d'Etat, Minis-
tre de l'Administration du Territoire
et des Collectivités Locales |
| - Victor MPIRA | Conseiller à la Primature |
| - Claude Alexis AKE | Directeur de la Documentation et des
Frontières au Ministère de l'Adminis-
tration du Territoire et des Collecti-
vités Locales |
| - André SMITH | Conseiller des Affaires Etrangères au
Ministère des Affaires Etrangères et de
la Coopération |

- 2 -

Mme Jacqueline BENGAMEYE

Premier Secrétaire à l'Ambassade
du Gabon en Guinée Equatoriale

- Christine EFIRE

Secrétaire au Consulat Général du
Gabon à Bata

La délégation Equato-Guinéenne était conduite par S.E.
Monsieur Fortunato ZAMBI MACHINDE, Ministre de l'Industrie, du
Commerce et de la Promotion des Petites et Moyennes Entreprises
Elle comprenait en outre :

S.E. Juan OLO MBA

Ministre Délégué à la Présidence
Chargé des Mines et des Hydrocarbures

MM.- Mariano NSUE NGUEMA

Conseiller à la Présidence en ma-
tière Sociale

- Sicinio MBANA NSORO

Ambassadeur Extraordinaire et Plé-
nipotentiaire de la République de
Guinée Equatoriale en République
Gabonaise

- Alejandro EVUNA OWONO

Secrétaire Général au Ministère des
Relations Extérieures et de la Co-
opération

- Pastor MICHA ONDO

Directeur Général des Mines et des
Hydrocarbures

- Francisco NDONGO OVONO

Directeur Général au Ministère des
Eaux et Forêts et du Reboisement- Alberto ABAGA ONDO BINDANG Directeur Général de l'Adminis-
tration du Territoire- Mariano EBANG ANGUESOMO Chef de Section Afrique, Asie et
Australie au Ministère des Relation

Extérieures et de la Coopération

- Raphaël BONEKE CAMA

Topographe au Ministère des Travaux
Publiques, de l'Habitat et de l'Urba-
nisme

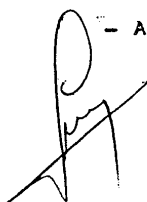
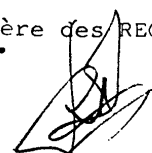
- Enrique CHOCHI RIBABO

Ingénieur Géomètre au Ministère de
la Défense Nationale

- Victorino NCA OBIANG

Interprète

- Anacleto ALOGO

Fonctionnaire au Ministère des REC
.../...



Les deux Chefs de délégation ont prononcé deux discours de bienvenue et de remerciement qui sont joints en annexe du présent procès-verbal.

La commission "ad hoc" a adopté l'ordre du jour après l'amendement porté par la Partie Gabonaise au deuxième point intitulé: " Examen sur les eaux juridictionnelles de la baie de Corisco proposé par la Partie Equato-Guinéenne par: "Délimitation de la Frontière Maritime entre la République Gabonaise et la République de Guinée Equatoriale.

L'ordre du jour était composé des points suivants :

- I- Ouverture des travaux
- II- Délimitation des^{1a} frontières maritime entre le Gabon et la Guinée Equatoriale
- III- Divers

La commission "ad hoc" a commis une sous-commission d'experts.

Cette sous commission était présidée pour la Partie Gabonaise par Monsieur René NDEMEZC'O, Conseiller du Ministre d'Etat, Ministre de l'Administration du Territoire et des Collectivités Locales et pour la Partie Equato-Guinéenne par Monsieur Alejandro EVUNA OWONO, Secrétaire Général du Ministère des Relations Extérieures et de la Coopération.

II.- DELIMITATION DE LA FRONTIERE MARITIME ENTRE LA REPUBLIQUE GABONAISE ET LA REPUBLIQUE DE GUINEE EQUATORIALE

Les deux Parties ont réaffirmé une série de principes et de critères de base qui serviraient à la délimitation de la frontière maritime entre les deux pays, notamment :

- Le principe du respect des frontières héritées de la colonisation, particulièrement la convention de 1900.
- Le respect des conventions internationales régulièrement ratifiées notamment la convention sur le droit de la mer.
- Le respect de la souveraineté de chaque Etat sur son propre territoire.

Sur la base de ces principes et selon le critère de l'équidistance, la Partie Equato-Guinéenne a présenté le tracé de sa ligne de base qui sert à déterminer la mer territoriale Equato-Guinéenne

- 4 -

dans la baie de Corisco.

Cette ligne relie les points suivants :

- Cap Saint-Jean - Pointe Ugoni (Corisco) - Pointe Yoke en passant par LEVA - Pointe MASAKA (Grande Elobey) - Elobey (Petite Elobey) à la pointe YEKE (Côte du Rio Muni).

La Partie Gabonaise a présenté les points qui fixent la ligne de base de ses eaux territoriales dans la baie de Corisco et qui relie les points suivants :

- Cap Estérias - Mbanié (île) - Cocobeach.

La Partie Equato-Guinéenne a rejeté la ligne de base présentée par la Partie Gabonaise parce que celle-ci passe par l'île de Mbanié qui, selon elle, fait partie intégrante du territoire national de la République de Guinée Equatoriale ainsi que les îlots de LEVA - OCHO - CONGA et COCOTIERS.

La Partie Gabonaise a rejeté ces allégations. Elle a affirmé que l'île de Mbanié ainsi que les îlots LEVA - OCHO - CONGA et COCOTIERS font partie intégrante du territoire Gabonais.

Concernant la frontière maritime entre le territoire Equato-Guinéen de l'île d'Annobon et le territoire Gabonais, les deux Parties ont convenu que la délimitation de celle-ci ne présente aucune difficulté particulière et qu'elle serait tracée conformément aux dispositions de la convention de la Jamaïque sur le droit de la mer.

III.- D I V E R S

Aucun point n'a été soulevé par l'une ou l'autre Partie dans cette rubrique.

X

X

X

Les deux Parties se sont félicitées de l'esprit de dialogue, de compréhension et de respect mutuel qui a prévalu tout au long des travaux.

La délégation Gabonaise a adressé ses remerciements au Gouvernement et au peuple de Guinée Equatoriale pour l'hospitalité, la chaleur de l'accueil et pour toutes les sollicitudes dont elle a été entourée durant son séjour à BATA et qui reflètent l'excellence des relations d'amitié et de fraternité qui existent entre les deux pays frères à

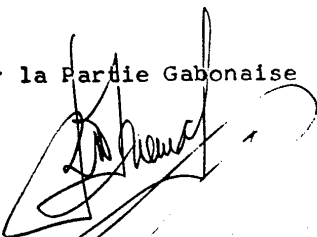
- 5 -

l'image de celles qu'entretiennent leurs Chefs d'Etat, leurs Excellences EL HADJ OMAR BONGÓ et OBIANG NGUEMA MBASOGO.

FAIT A BATA, LE 16 NOVEMBRE 1985

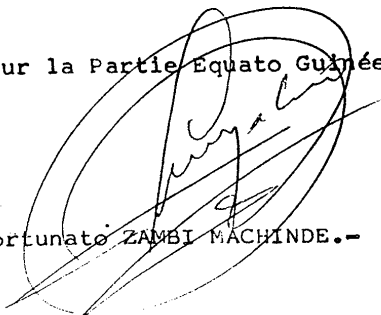
En deux originaux, un en langue Française, un en langue Espagnole, les deux langues faisant foi.

Pour la Partie Gabonaise



Richard NGUEMA BEKALE.-

Pour la Partie Equato Guinéenne



Fortunato ZAMBI MACHINDE.-

Annex 209

French Report of the Border Sub-Commission of the Ad-Hoc Border Commission Gabon-Equatorial Guinea (20 January 1993)

TRANSLATION

I. LAND BOUNDARY

- I.1 After examination of the cartographic documents, the two Parties have made the following determinations:
- I.1.1 In the zone between the Gabonese villages of NKOM and NKOUMADZA, the Gabonese city of MEDOUNEU and its environs are located north of Parallel 1° 00' 00" north, thus in Equatoguinean territory.
- I.1.2 In the zone between KYE River and meridian 11° 20' east of Greenwich, the Gabonese village of ASSOK is located west of said meridian and thus is situated in Equatoguinean territory.
- I.1.3 The zone situated west of the KYE River and lying between that river and meridian 11° 20' east of Greenwich, Gabonese territory, is administered by EQUATORIAL GUINEA.
- This zone lies between the Gabonese village of ASSOK or the Equatoguinean city of MONGOMO and the Gabonese village FONG-ESSANDON and the Equatoguinean village of NGONG.
- I.1.4 The Equatoguinean city of EBEBEYIN is located partly in Gabonese territory in the zone lying between the KYE River and meridian 11° 20' east of Greenwich.
- I.2 The Gabonese Party has informed the Equatoguinean Party of the following:
- I.2.1 OUTEMBONI River zone
- The boundary as it appears on the map of EQUATORIAL GUINEA does not respect the delineation defined by the French-Spanish Convention of June 27, 1900, for the delimitation of French and Spanish possessions on the coast of the Gulf of Guinea. The Gabonese Party considers that EQUATORIAL GUINEA is occupying part of Gabonese territory.
- I.2.2 Zone east of the OUTEMBONI River and south of Parallel 1° 00' 00" north
- Several villages administered by EQUATORIAL GUINEA are situated in this part of Gabonese territory.
- I.2.3 Zone south of the village ASSOK, east of meridian 11° 20' east of Greenwich and sharing the sources of the KYE up to the basin of the WOLEU river.
- A movement of settlement and exploitation of this zone by Equatoguinean populations has been determined.

TRANSLATION

Taking into account all of the preceding, the Gabonese Party estimates the areas of occupation of the territory of each State as follows:

Occupation of Equatoguinean territory by GABON: approx. 70 km²

MEDOUNEU zone: approx. 67 km²

Village of ASSOK zone: approx. 03 km²

Occupation of Gabonese territory by EQUATORIAL GUINEA: approx. 475 km²

Between the villages of ASSOK and FONG-ESSANDON: approx. 180 km²

EBEBEYIN and its environs: approx. 15 km²

OUTEMBONI River zone: approx. 90 km²

Zone situated east of the OUTEMBONI River: approx. 50 km²

Zone south of the village of ASSOK: approx. 140 km²

I.3 Observations by the Equatoguinean Party

I.4 GABON – EQUATORIAL GUINEA – CAMEROON boundary

The two Parties have agreed to initiate a joint procedure with the authorities of CAMEROON with a view to making a precise determination of the boundary point among the three countries.

II. MARITIME BOUNDARY

It was not possible to proceed to a delimitation of the maritime boundary, with each Party claiming its sovereignty over the islands of MBANIE, CONGA, and COCOTIERS.

The Equatoguinean Party proposed to the Gabonese Party to submit the dispute over these islands to mediation or to international arbitration.

It also indicated to the Gabonese Party that the negotiations cannot resume until the baselines of GABON no longer pass through the island of MBANIE.

The Gabonese Party reaffirmed that the islands of MBANIE, CONGA, and COCOTIERS belong to Gabon and remains inclined to negotiate with a view to delimiting the maritime boundary between the two countries.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Eve Hecht, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

07/17/20

Date



I. FRONTIERE TERRESTRE

I.1 Après examen des documents cartographiques, les deux Parties ont fait les constats suivants :

I.1.1 Dans la zone comprise entre les villages gabonais NKOM et NKOUMADZA, la ville gabonaise de MEDOUNEU et ses environs sont situés au Nord du parallèle 1° 00' 00" Nord, donc en territoire équato-guinéen.

I.1.2 Dans la zone comprise entre la rivière KYE et le méridien 11° 20' Est de Greenwich, le village gabonais ASSOK se trouve à l'Ouest dudit méridien donc est implanté en territoire équato-guinéen.

I.1.3 La zone située à l'Ouest de la rivière KYE et comprise entre cette rivière et le méridien 11° 20' Est de Greenwich, territoire gabonais, est administrée par la GUINEE EQUATORIALE.

Cette zone est comprise entre le village gabonais ASSOK ou la ville équato-guinéenne de MONGOMO et les villages gabonais FONG-ESSANDON et équato-guinéen NGONG.

I.1.4 La ville équato-guinéenne de EBEBEYIN se trouve en partie en territoire gabonais dans la zone comprise entre la rivière KYE et le méridien 11° 20' Est de Greenwich.

I.2 La Partie gabonaise a fait part à la Partie équato-guinéenne de ce qui suit :

I.2.1 Zone de la rivière OUTEMBONI

La frontière telle qu'elle figure sur la carte de GUINEE EQUATORIALE ne respecte pas le tracé défini par la Convention Franco-Espagnole du 27 juin 1900 pour la délimitation des possessions françaises et espagnoles sur la côte du Golfe de Guinée. La Partie gabonaise considère que la GUINEE EQUATORIALE occupe une partie du territoire gabonais.

I.2.2 Zone à l'Est de la rivière OUTEMBONI et au Sud du parallèle 1° 00' 00" Nord

Plusieurs villages administrés par la GUINEE EQUATORIALE sont implantés dans cette partie du territoire gabonais.

I.2.3 Zone au Sud du village ASSOK, à l'Est du méridien 11° 20' Est de Greenwich et partant des sources de la KYE jusqu'au bassin du fleuve WOLEU.

Il est constaté un mouvement d'implantation et d'exploitation de cette zone par des populations équato-guinéennes.

Compte tenu de tout ce qui précède, la Partie gabonaise estime les superficies d'occupation du territoire de chaque Etat comme suit :

Occupation du territoire équato-guinéen par le GABON : 70 km² environ

Zone de MEDOUNEU : 67 km² environ

Zone du Village ASSOK : 03 km² environ

Occupation du territoire gabonais par la GUINEE EQUATORIALE : 475 km² environ :

Entre les villages ASSOK et FONG-ESSANDON : 180 km² environ

EBEBEYIN et ses environs : 15 km² environ

Zone de la rivière OUTEMBONI : 90 km² environ

Zone située à l'Est de la rivière OUTEMBONI : 50 km² environ

Zone au Sud du village ASSOK : 140 km² environ

I.3 Observations de la Partie équato-guinéenne

I.4 Frontière GABON - GUINEE EQUATORIALE - CAMEROUN

Les deux Parties sont convenues d'entreprendre une démarche conjointe auprès des autorités du CAMEROUN en vue de la détermination précise du point frontière entre les trois pays.

II. FRONTIERE MARITIME

Il n'a pas été possible de procéder à la délimitation de la frontière maritime, chaque Partie revendiquant sa souveraineté sur les îles MBANIE, CONGA et COCOTIERS.

La Partie équato-guinéenne a proposé à la Partie gabonaise de soumettre le différend sur ces îles à une médiation ou à un arbitrage international.

Elle a par ailleurs signifié à la Partie gabonaise que les négociations ne pourront reprendre que lorsque les lignes de base du GABON ne passeront plus par l'île MBANIE.

La Partie gabonaise a réaffirmé l'appartenance des îles MBANIE, CONGA et COCOTIERS au GABON et reste toujours disposée à la négociation en vue de la délimitation de la frontière maritime entre les deux pays.

Annex 210

*Report of the Border Subcommittee of the Ad Hoc Commission on the Gabon-Equatorial
Guinea Boundaries (20 January 1993)*

TRANSLATION

REPORT OF THE BORDER SUB-COMMISSION OF
THE AD HOC EQUATORIAL GUINEA-GABON
BOUNDARY COMMISSION

THE BORDER SUB-COMMISSION OF THE AD HOC EQUATORIAL GUINEA-GABON BOUNDARY COMMISSION MET IN LIBREVILLE FROM JANUARY 17-19, 1993 UNDER THE CO-LEADERSHIP OF MESSRS.

- VICTOR MPIRA, PERMANENT MEMBER OF THE NATIONAL BORDER COMMISSION FOR THE GABONESE PARTY;
- GUILLERMO NGUEMA ELA, MEMBER OF THE NATIONAL BORDER COMMISSION FOR THE EQUATOGUINEAN PARTY.

AFTER EXAMINING THE ONLY ITEM RECORDED ON THE AGENDA CONCERNING DELIMITATION OF THE BOUNDARY BETWEEN GABON AND EQUATORIAL GUINEA, THE WORK OF THE SUB-COMMISSION YIELDED THE FOLLOWING RESULTS:

[initials]

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

RECORD OF THE BORDER SUB-COMMISSION

I – LAND BOUNDARIES

- I.1 After examining the maps, both parties have established the following:
- I.1.1 In the area between the Gabonese towns of NKOM NKUMADJAP, the Gabonese city of MEDUNE and its surrounding areas are located to the North of the 1° 00' 00" parallel North, and are therefore in Equatoguinean territory.
- I.1.2 In the area between the KIE River and the 11° 20' meridian East of Greenwich, the Gabonese town of ASOK is located to the West of such meridian, and is therefore settled in Equatoguinean territory.
- I.1.3 The area located to the West of the KIE River, between such river and the 11° 20' meridian East of Greenwich, which is Gabonese territory, is administered by Equatorial Guinea.
This area is located between the village of ASOK and the town of FONG-ESANDON in Gabon and between MONGOMO and the town of NGONG in Equatorial Guinea.
- I.1.4 The Equatoguinean city of EBEBIYIN is located partially within Gabonese territory, in the area between the KIE River and the 11° 20' meridian East of Greenwich.

... // ...

[initials]

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 2 -

I.2 The Gabonese party has informed the Equatoguinean party of the following:

I.2.1 UTAMBONI River Area

The border as it is shown on the map of Equatorial Guinea does not respect the line defined by the Franco-Spanish Convention of June 27, 1900 for delimitation of the French and Spanish possessions on the Gulf of Guinea coast. The Gabonese party believes that Equatorial Guinea is occupying a portion of Gabonese territory.

I.2.2 Area to the East of the UTAMBONI River and to the South of the 1° 00' 00" parallel North

Various towns administered by Equatorial Guinea are settled within this portion of Gabonese territory.

I.2.3 Area to the South of the town of ASOK, to the East of the 11° 20" meridian East of Greenwich, beginning at the source of the KIE River to the WELE River.

Settlement and exploitation movements in this area by Equatoguinean populations have been confirmed.

Taking into account all of the above, the Gabonese party believes that the surface areas of each State's occupation are as set forth below:

Occupation of Equatoguinean territory by Gabon: approximately 70 km².

... // ...

[initials]

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 3 -

Area of MEDUNE : approximately 67 km²

Area of the town of ASOK : approximately 3 km²

Occupation of Gabonese territory by Equatorial Guinea: approximately 475 km²:

Between the towns of ASOK and FONG-ESANDON : approximately 180 km²

EBEBIYIN and its surrounding areas : approximately 15 km²

UTAMBONI River Area : approximately 90 km²

Area located to the East of the

UTAMBONI : approximately 50 km²

Area located to the South of the

town of ASOK : approximately 140 km².

I.3 Observations presented by the Equatoguinean Party

I.3.1 With respect to the UTAMBONI River area, the Equatoguinean party notes that it is not just maps of Equatorial Guinea that show the current line of our borders in this area, but also Gabonese, French, and Spanish maps. This is a logical result of the work of the Franco-Spanish Commission responsible for demarcation of our common border on the ground, and the record of such work showed the Equatoguinean portion. This is why this issue has never been addressed in previous negotiations. Therefore, the Equatoguinean party does not recognize that it is occupying Gabonese territory in this area.

I.3.2 The Equatoguinean party is unaware of the existence of any towns administered by Equatorial Guinea in the area to the East of the bank of the UTAMBONI and to the South of the 1° parallel North.

... // ...

[initials]

[initials]

WATER STREET TRANSLATIONS

TRANSLATION

- 4 -

- I.3.3 The Equatoguinean party does not recognize settlement and exploitation movements across the 11° 20" Meridian East of Greenwich from MONGOMO to the Southern border of Gabon, as its hamlets are properly located and no irregularities are noted.
- I.3.4 The Equatoguinean party takes note of the surface areas calculated by the Gabonese party, while at the same time informing it that any calculation made based on maps may transmit considerable errors due to the scales of the maps. It therefore suggests that the data be obtained together on the ground for an accurate calculation.
- I.4 Equatoguinean proposal on settlement of the land boundary
The Equatoguinean party has informed the Gabonese party that the spillover of towns from both countries across our border have not occurred due to an act of illegal occupation, but are rather situations bequeathed by the colonial powers. For this reason, it proposes that this issue be raised to the highest echelons of our countries so that a definitive boundary may be adopted.
- I.5 The Gabonese party has taken proper note of this proposal and will inform the Equatoguinean party of its observations.
- I.6 Gabon - Equatorial Guinea – Cameroon Boundary
Both parties have agreed to undertake joint action together with the Cameroon authorities towards a specific determination of the point that will serve as a common border between the three countries.

... // ...

[initials]

[initials]

TRANSLATION

- 5 -

II - MARITIME BOUNDARY

- 2.1 It was not possible to proceed to determine the maritime boundary; each Party claims sovereignty over CONGA, COCOTEROS, AND MBAÑE, considered by the Gabonese party to be islands and by the Equatoguinean party to be islets.
- 2.2. The Equatoguinean party proposed that the Gabonese party submit the dispute over MBAÑE, CONGA, and COCOTEROS to an international mediation or arbitration.
It also informed the Gabonese party that negotiations may only be restarted when the Gabonese Republic does not recognize its baseline is passing through MBAÑE, because this is part of Equatoguinean territory.
- 2.3 The Gabonese party reaffirmed that MBAÑE, CONGA, and COCOTEROS belong to Gabon and it is willing to negotiate towards delimitation of the maritime boundary between the two countries.

[initials]

[initials]

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor

New York, NY 10016

www.waterstreettranslations.com

(212) 776-1713

info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Mary Lewis, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

04/29/21

Date

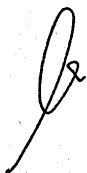


INFORME DE LA SUBCOMISION FRONTERAS DE
LA COMISION AD HOC SOBRE FRONTERAS
GABON - GUINEA ECUATORIAL

LA SUBCOMISION FRONTERAS DE LA COMISION AD HOC SOBRE
FRONTERAS GABON-GUINEA ECUATORIAL SE REUNIO EN LIBREVILLE DEL
17 AL 19 DE ENERO DE 1993 BAJO LA CO-PRESIDENCIA DE LOS SENORES:

- VICTOR MPIRA, MIEMBRO PERMANENTE DE LA COMISION
NACIONAL DE FRONTERAS POR LA PARTE GABONESA ;
- GUILLERMO NGUEMA ELA, MIEMBRO DE LA COMISION NACIONAL
DE FRONTERAS POR LA PARTE ECUATOGUINEANA.

TRAS EXAMINAR EL UNICO PUNTO INSCRITO EN EL ORDEN
DEL DIA Y REFERENTE A LA DELIMITACION DE LA FRONTERA ENTRE GABON
Y GUINEA ECUATORIAL, LOS TRABAJOS DE LA SUBCOMISION HAN DADO
LOS RESULTADOS SIGUIENTES :



ACTA DE LA SUBCOMISION DE FRONTERAS

I - FRONTERAS TERRESTRES

- I.1 Después del examen de los mapas, las dos partes han constatado lo siguiente :
- I.1.1 En la zona comprendida entre los poblados gaboneses de NKOM NKUMADJAP, la Ciudad gabonesa de MEDUNE y sus alrededores se encuentran situados al Norte del paralelo 1° 00'00'' Norte por lo tanto en el territorio ecuatoguineano.
- I.1.2 En la zona comprendida entre el rio KIE y el meridiano 11° 20' Este de Greenwich, el poblado gabonés de ASOK se encuentra al Oeste de dicho Meridiano por lo tanto implantado en territorio ecuatoguineano.
- I.1.3 Es administrada por Guinea Ecuatorial la zona situada al Oeste del rio KIE, entre este rio y el meridiano 11° 20' Este de Greenwich que es territorio gabonés. Dicha zona esta comprendida entre el pueblo de ASOK y el poblado de FONG-ESANDON por parte gabonesa y entre MONGOMO y el poblado NGONG por Guinea Ecuatorial.
- I.1.4 La Ciudad Ecuatoguineana de EBEBIYIN se encuentra en parte en el territorio gabonés, en la zona comprendida entre el rio KIE y el meridiano 11° 20' Este de Greenwich.

...//...

- 2 -

I.2 La parte gabonesa ha puesto en conocimiento de la parte ecuatoguineana lo siguiente :

I.2.1 Zona del Rio UTAMBONI

La frontera tal como figura sobre el mapa de Guinea Ecuatorial, no respeta el trazado definido por la Convención Franco-Española del 27 de junio de 1900 para la delimitación de las posesiones francesas y españolas en la costa del Golfo de Guinea. La parte gabonesa considera que Guinea Ecuatorial ocupa una parte del territorio gabonés.

I.2.2 Zona al Este del rio UTAMBONI y al Sur del paralelo 1° 00'00" Norte

Varios poblados administrados por Guinea Ecuatorial están implantados en esta parte del territorio gabonés

I.2.3 La zona al Sur del poblado de ASOK, al Este del meridiano 11°20" Este de Greenwich, partiendo de los orígenes del rio KIE hasta el rio WELE.

Se constata unos movimientos de implantación y de explotación de dicha zona por poblaciones ecuatoguineanas.

Teniendo en cuenta todo lo que precede, la parte gabonesa estima las superficies de ocupación de cada Estado tal como se detalla a continuación :

Ocupación del territorio ecuatoguineano por Gabón :
70 Km² aproximadamente.

...//...

Zona de MEDUNE : 67 km² aproximadamente
Zona del poblado de ASOK : 3 km² aproximadamente

Ocupacion del territorio gabonés por Guinea Ecuatorial:
475 km² aproximadamente :

Entre los poblados de ASOK y FONG-ESANDON : 180
km² aproximadamente

EBEBIYIN y sus alrededores : 15 km² aproximadamente
Zona del rio UTAMBONI : 90 km² aproximadamente
Zona situada al Este del
UTAMBONI : 50 km² aproximadamente
Zona situada al Sur del
poblado de ASOK : 140 km² aproximadamente.

I.3 Observaciones presentadas por la Parte ecuatoguineana

I.3.1 Sobre la zona del rio UTAMBONI, la parte ecuatoguineana precisa que no son sólo los mapas de Guinea Ecuatorial los que señalan el trazado actual de nuestras fronteras en dicha zona, sino también los mapas gaboneses, franceses y españoles. Ello es consecuencia lógica del trabajo de la Comisión franco-española que se ocupó de la delimitación sobre el terreno de nuestra frontera común y cuyo acta exhibió la parte ecuatoguineana. La razón por la cual este tema nunca ha sido abordado en negociaciones precedentes. Por lo tanto, la parte ecuatoguineana no reconoce estar ocupando territorio gabonés en dicha zona.

I.3.2 La parte ecuatoguineana desconoce la existencia de poblados administrados por Guinea Ecuatorial en la zona al Este de la orilla del UTAMBONI y al Sur del paralelo 1° Norte.

...//...

I.3.3 La parte ecuatoguineana no reconoce los movimientos de implantación y de explotación a lo largo del meridiano 11°20' Este de Greenwich a partir de MONGOMO hasta la frontera Sur de Gabon, ya que, tiene bien localizadas sus aldeas y no observa anomalías.

I.3.4 La parte ecuatoguineana toma nota de las superficies calculadas por la parte gabonesa, al mismo tiempo le hace saber que cualquier cálculo hecho sobre los mapas puede arrastrar errores considerables a tenor de las escalas de los planos. Por lo que sugiere que los datos deberán tomarse conjuntamente en el terreno para cálculo exacto.

I.4 Propuesta ecuatoguineana sobre el arreglo de la frontera terrestre

La parte ecuatoguineana ha puesto al conocimiento de la parte gabonesa, que los desbordamientos de las localidades de ambos países a lo largo de nuestra frontera, no han sido por acto de ocupación ilegal, sino más bien situaciones legadas por las potencias coloniales. Por esa razón, propone que sea elevada a las altas esferas de nuestros países para que se adopte como frontera definitiva.

I.5 La parte gabonesa ha tomado buena nota de esta propuesta y hará conocer sus observaciones a la parte ecuatoguineana.

I.6 Frontera Gabon - Guinea Ecuatorial -Camerun

Las dos partes han convenido emprender una acción conjunta cerca de las autoridades de Camerún con miras a la concreta determinación del punto que sirve de frontera común entre los tres países.

...//...

II - FRONTERA MARITIMA

- 2.1 No ha sido posible proceder a la determinación de la frontera marítima ; cada Parte reivindica su soberanía sobre CONGA, COCOTEROS y MBAÑE, considerados por la parte gabonesa como islas y por la parte ecuatoguineana como islotes.
- 2.2 La parte ecuatoguineana ha propuesto a la parte gabonesa someter el diferendo sobre MBAÑE, CONGA y COCOTEROS a una mediación o a un arbitraje internacional.
- También ha informado a la parte gabonesa que las negociaciones solo podrían ser reanudadas cuando la República Gabonesa no reconozca como su línea de base la que pasa por MBAÑE, porque constituye parte del territorio ecuatoguineano.
- 2.3 La parte gabonesa ha reafirmado la pertenencia de MBAÑE, CONGA y COCOTEROS al Gabón y está dispuesta a la negociación con miras a la delimitación de la frontera marítima entre los dos países.

Annex 211

Republic of Equatorial Guinea, *Report of the Border Sub-Commission Following the Meetings of the Ad hoc Border Commission Gabon-Equatorial Guinea* (20 January 1993)

TRANSLATION



FINAL PRESS RELEASE

The Ad-Hoc GABON-EQUATORIAL GUINEA Border Committee met in Libreville, Gabonese Republic, from January 17 to 20, 1993.

The Equatorial Guinean Delegation, led by His Excellency Julio Ndong Ela Mangué, Minister of Territorial Administration and Local Governments, Chairman of the National Border Committee, included, among others, the following:

- Juan Olo Mba Nseng, Minister of Mines and Hydrocarbons;
- Francisco Javier Ngomo Mbengono, Vice Minister of Justice and Religion, Vice Chairman of the National Border committee;
- Alberto Sima Nguema Ada, Extraordinary and Plenipotentiary Ambassador of the Republic of Equatorial Guinea in Gabon;
- The Governors of Litoral, Wele Nzás, Kie Ntem and Centro Sur, as well as various experts.

The Gabonese Delegation, led by His Excellency Antoine Mboubou-Miyakou, Minister of Territorial Administration, Local Governments and Decentralization, also included the following:

- Martin Fidele Magnaga Minister of National Defense, Security and Immigration;
- Adrien Nkoghe-Essingone, Minister of the Habitat, Property Register and Urban Planning;
- *Hilaire Mathas, Extraordinary and Plenipotentiary Ambassador of the Gabonese Republic in Equatorial Guinea,

TRANSLATION

2

- *Jean Ping, Minister of Mines, Energy and Water Resources,
- The Governor of the Estuary, Wele Ntem, as well as various experts.

The complete lists of both Delegations are attached hereto.

The discussions between the Delegations were based on the following points:

1. BORDER DELIMITATION
 - Land
 - Maritime
2. CONSULAR AFFAIRS (EMIGRATION/IMMIGRATION)
3. OTHER ITEMS

Throughout these discussions, both parties reaffirmed a certain number of principles and criteria that must be used as a basis for delimitation of common borders between the two countries, which are:

- Respect of borders inherited from colonization according to the provisions of the Franco-Spanish Convention of 1900;
- Respect of the international conventions to which they are signatories, especially the Convention on the Law of the Sea;
- Respect of the sovereignty and territorial integrity of each State.

Both parties decided to continue discussions based upon the foregoing, bearing in mind the stimulating and positive results they have obtained.

TRANSLATION

3

Likewise, with regard to consular issues, both parties congratulated each other for the conclusions reached by mutual agreement with respect to the traffic of persons and goods as well as mutual legal aid cooperation.

The Gabonese and Equatorial Guinean Ministers were received by:

- His Excellency El Hadj Omar Bongo, President of the Gabonese Republic, Head of State, to whom the head of the Equatorial Guinean Delegation delivered a Message of Friendship and Solidarity from his brother and friend, His Excellency Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea.
- His Excellency Casimir Oye-Mba, Prime Minister, Head of Government.

They then made them aware of the conclusions of their work conducted in an atmosphere of understanding and friendship.

The head of the Equatorial Guinean Delegation, on behalf of their colleagues, members of Government and the entire Delegation, expressed his gratitude to his Gabonese counterpart for the warm welcome and fraternal hospitality provided to them during their stay in Gabon.

Both parties decided to hold the next session of the Ad-Hoc Gabon-Equatorial Guinea Border Committee in the Republic of Equatorial Guinea on a date to be scheduled by mutual agreement through diplomatic channels.

TRANSLATION

4

Done in Libreville on this twentieth day of January of nineteen ninety-three, in duplicate, in French and Spanish, both original texts being equally valid.

FOR THE REPUBLIC OF EQUATORIAL
GUINEA

[signature]

Julio Ndong Ela Mangué

Minister of Territorial Administration and
Local Governments

FOR THE GABONESE REPUBLIC

[signature]

Antoine Mboubou-Miyakou

Minister of Territorial Administration,
Local Governments and Decentralization

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

04/30/21

Date





COMUNICADO FINAL

La Comisión Ad-Hoc de Fronteras GABON-GUINEA ECUATORIAL se reunió en Libreville, República Gabonesa, del 17 al 20 de Enero de 1993.

La Delegación Ecuatoguineana, conducida por S.E. JULIO NDONG ELA MANGUE, Ministro de Administracion Territorial y Corporaciones Locales, Presidente de la Comision Nacional de Fronteras, comprendia entre otros, a los -- Excmos. Senores:

- JUAN OLO MBA NSENG, Ministro de Minas e Hidrocarburos;
- FRANCISCO JAVIER NGOMO MBENGO, Viceministro de Justicia y Culto, Vicepresidente de la Comision Nacional de Fronteras;
- ALBERTO SIMA NGUEMA ADA, Embajador Extraordinario/ y Plenipotenciario de la Republica de Guinea Ecuatorial en Gabon;
- Los Senores Gobernadores del Litoral, Wele Nzang, Kie Ntem y Centro Sur, asi como varios expertos.

La Delegacion Gabonesa, conducida por su parte por S.E. ANTOINE MBOUBOU-MIYAKOU, Ministro de Administracion Territorial, Colectividades Locales y Descentralizacion, comprendia igualmente Sus Excelencias:

- MARTIN FIDELE MAGNAGA, Ministro de Defensa Nacional, de la Seguridad e Inmigracion;
- ADRIEN NKOGHE-ESSINGONE, Ministro del Habitat, Catastro y de Urbanizacion;
- * - HILAIRE MATHAS, Embajador Extraordinario y Plenipotenciario de la Republica Gabonesa en Guinea Ecuatorial,

.1.



2/;-

- * - JEAN PING, Ministro de Minas, Energia y de Recursos Hidraulicos.
- La Senora Gobernadora del Estuario, de Wele Ntem asi como varios expertos.

Las listas completas de las dos Delegaciones como anexos.

Las discusiones entre las dos Delegaciones se han basado en los puntos siguientes:

- 1.- DELIMITACION DE FRONTERAS
 - Terrestre
 - Maritima
- 2.- ASUNTOS CONSULARES (EMI-INMIGRACION)
- 3.- ASUNTOS VARIOS.

A lo largo de estas discusiones, las dos partes han reafirmado cierto numero de principios y criterios que deben -- servir de base para la delimitacion de fronteras comunes -- entre los dos paises, a saber:

- El respeto de las fronteras heredadas de la coloniza-- cion conforme a las disposiciones de la Convencion -- Franco-Espanola de 1900;
- El respeto de los Convenios internacionales a los cua-- les se han adherido, sobre todo el Convenio sobre el -- Derecho del Mar;
- El respeto de la soberania e integridad territorial de cada Estado.

Las dos partes han decidido continuar el debate sobre -- estas bases, teniendo en cuenta los resultados estimuladores y positivos que han obtenido.



3/.-

De la misma manera, tratandose de las cuestiones consulares, las dos partes se han congratulado por las conclusiones retenidas en comun acuerdo tanto en lo que concierne a la circulacion de personas y bienes, como la cooperacion de asistencia judicial mutua.

Los Ministros Gaboneses y Ecuatoguineanos han sido recibidos en audiencia por:

- Su Excelencia EL HADJ OMAR BONGO, Presidente de la Republica Gabonesa, Jefe de Estado, a quien el jefe de la Delegacion Ecuatoguineana ha entregado un Mensaje de Amistad y de Solidaridad de su Hermano y Amigo Su Excelencia OBIANG NGUEMA MBASOGO, Presidente de la Republica de Guinea Ecuatorial.
- Su Excelencia CASIMIR OYE-MBA, Primer Ministro, Jefe de Gobierno.

Sucesivamente les han dado cuenta de las conclusiones de sus trabajos que se han desarrollado en un atmosfera llena de comprension, y amistad.

El Jefe de la Delegacion Ecuatoguineana, en nombre de sus colegas Miembros de Gobierno y del grueso de su Delegacion, ha expresado su gratitud a su homologo gabones por la acogida calurosa y la hospitalidad fraternal que les han sido dispensadas durante su permanencia en tierra gabonesa.

Las dos partes han decidido celebrar la proxima sesion/ de la Comision Ad-Hoc de Fronteras entre Gabon y Guinea Ecuatorial en la Republica de Guinea Ecuatorial en una fecha que sera fijada en mutuo acuerdo por via diplomatica.



4/.-

Hecho en Libreville, a veinte dias del mes de Enero de mil novecientos noventa y tres, en dos ejemplares, frances y espanol, siendo ambos textos originales igualmente validos.

POR LA REPUBLICA DE GUINEA
ECUATORIAL,

JULIO NDONG ELA MANGUE,
Ministro de Administracion Te
rritorial y Cooperaciones -
Locales.

POR LA REPUBLICA GABONESA,

ANTOINE MBOUMBOU-MIYA
KOU,
Ministro de Administra
cion Territorial, de -
las Colectividades Lo
cales y Descentraliza
cion.

Annex 212

The Gabonese Republic, *Minutes of the Ad Hoc Border Committee*, Libreville (31 January 2001)
(excerpt)

TRANSLATION



AD HOC BORDER COMMITTEE

GABON/EQUATORIAL GUINEA

Libreville, January 29 through 31, 2001

MINUTES

AD HOC GABON/EQUATORIAL GUINEA BORDER COMMITTEE
Libreville, January 29 through 31, 2001
[signature] [signature]

WATER STREET TRANSLATIONS

TRANSLATION

At the invitation of the Government of the Gabonese Republic, a meeting of the Ad Hoc Gabon/Equatorial Guinea Border Committee was held in Libreville from January 29 through 31, 2001.

The delegation of the Gabonese Republic was headed by His Excellency, Mr. **Antoine Mbombou-Miyakou**, Minister of State, Minister of the Interior, Public Safety and Decentralization.

The delegation of the Republic of Equatorial Guinea, in turn, was headed by His Excellency, Mr. **Santiago Nsobeya Efuman Nchama**, Minister of Foreign Affairs, International Cooperation and Francophony.

A complete list of both delegations appears in appendices 1 and 2 to these Minutes.

In the opening session, the Head of the Gabonese delegation expressed a cordial, fraternal welcome to the Equatorial Guinean delegation and the hope that their stay in Gabon will be under the best conditions.

He then asked the Parties to work in compliance with the following regulations governing the legal framework of this work:

- the Treaty between France and Spain dated June 27, 1900;
- the United Nations Charter;
- the Charter of the Organisation of African Unity
- the International Convention on the Law of the Sea

The participants were also urged to base their work on the principles underlying the definition and delimitation of our border, specifically:

- respecting borders inherited from colonization;
- respecting the sovereignty and territorial integrity of each State.

2

AD HOC GABON/EQUATORIAL GUINEA BORDER COMMITTEE
Libreville, January 29 through 31, 2001
[signature] [signature]

WATER STREET TRANSLATIONS

TRANSLATION

The head of the Equatorial Guinean delegation then took the floor and *“expressed, on behalf of His Excellency, Obiang Nguema Mbasogo, President of the Republic and Founding Chairman of the Democratic Party of Equatorial Guinea, the Government and the accompanying delegation, his profound and sincere gratitude for the warm, fraternal welcome provided to his delegation. This bears witness to the excellent friendly and good neighborly relations between the two countries.*

He emphasized that after the last Joint Committee Meeting held on October 3 through 5, 1994, in Bata, the Equatorial Guinean delegation arrived in Libreville determined to make a positive contribution to the negotiations thanks to the political desire demonstrated by both Heads of State to do their utmost to overcome the stalemate in work regarding delimitation of the border between the two sister countries. As a result, these negotiations require a new drive and orientation to achieve our objectives in the spirit of fraternity and solidarity.

He also indicated that the border must be delimited based upon legal principles, in the spirit of justice and equity that respects the legitimate interests of the two sister countries. He further noted that the time had come for us to seek definitive resolution of this dispute. This may effectively help to maintain harmonious and peaceful coexistence between present and future generations of the two countries. He again expressed the gratitude of his delegation for the warm welcome they received and hoped that the work results in a real success, in the spirit of sincerity and openness.”

The work was performed in a single Committee meeting, with the following agenda:

I – Maritime Border

II – Land Border

Before addressing the first item on the agenda, both Parties indicated that they hoped their meetings would be more frequent in the future in order to prevent too much time from elapsing between meetings.

AD HOC GABON/EQUATORIAL GUINEA BORDER COMMITTEE
Libreville, January 29 through 31, 2001
[signature] [signature]

WATER STREET TRANSLATIONS

TRANSLATION

I – Maritime Border

Both Parties again confirmed the use of all legal and historic instruments necessary for equitable delimitation of their border, as indicated below:

- the Treaty between France and Spain dated June 27, 1900;
- the United Nations Charter;
- the Charter of the Organisation of African Unity
- the International Convention on the Law of the Sea

The Equatorial Guinean Party proposed including the 1972 Brazzaville agreement among the information used for negotiations.

Both Parties agreed to indicate in the cartographic documents selected by mutual agreement all potential work that may be used in the next meeting of the Ad Hoc Committee.

The Equatorial Guinean Party presented the Gabonese Party with two work hypotheses:

1) Dividing the zone into three sectors;

2) Delimitation of the maritime border by disregarding the island of MBANIE, CONGA and COCOTIER in order to display the general panorama and trace a median line between the two territories and then examine the situation of the islands after the line is traced.

The Gabonese Party in turn promised to indicate a work hypothesis on the same cartographic documents.

AD HOC GABON/EQUATORIAL GUINEA BORDER COMMITTEE
Libreville, January 29 through 31, 2001
[signature] [signature]

WATER STREET TRANSLATIONS

TRANSLATION

Nevertheless, since they did not have appropriate maps to show these hypotheses, both Parties agreed to work on the following marine maps:

Maps presented by the Gabonese Party:

– **SHOM** [*French Naval Hydrographic and Oceanographic Service*] (France) **nautical chart no. 6183**

Corisco Bay – Mondah and Muni rivers of 1960 Scale: 1/103065

– **International nautical chart 2088** (7188) Atlantic Ocean – African Coast from Lagos to Gamba of 1990 Scale: 1/1,000,000

Maps presented by the Equatorial Guinean Party:

– **Nautical chart no. 55** North Atlantic Ocean

West coast of Africa from Mbonda Point to Cabo Santa Clara (Naval Hydrographic Institute, Cadiz) 1981 Scale: 1/175,000.

The cartographic documents in the possession of each of the Parties will be exchanged through diplomatic channels.

The above-mentioned work hypotheses will be examined during the next meeting of the Ad Hoc Committee.

II – Land Border

After a constructive discussion, marked by frankness and mutual understanding, both Parties agreed to examine all issues related to the land border during the next meeting of the Ad Hoc Committee.

The Gabonese Party asked the Equatorial Guinean Party to have consular issues and issues related to transborder traffic to be examined during the work of this Ad Hoc Committee.

AD HOC GABON/EQUATORIAL GUINEA BORDER COMMITTEE

Libreville, January 29 through 31, 2001

[signature]

[signature]

WATER STREET TRANSLATIONS

TRANSLATION

The Equatorial Guinean Party agreed and noted that these issues warrant further examination within the Joint Gabon/Equatorial Guinea Cooperation Committee meeting.

Both Parties agreed that the next meeting of the Ad Hoc Border Committee will be held in Equatorial Guinea in the second quarter of the current year, the date for which will be scheduled through diplomatic channels.

Both Parties commended each other for the spirit of openness, understanding and mutual respect that prevailed throughout the work session.

The Head of the Equatorial Guinean delegation thanked the Gabonese Government and people for their hospitality, warm welcome and all the accommodations that made their stay in Libreville so pleasant.

This is a reflection of the excellent friendship between the two sister countries and their Presidents, **Omar Bongo** and **Obiang Nguema Mbasogo**.

Done in Libreville on January 31, 2001

In two originals, in French and Spanish, both texts being equally valid.

For the Gabonese Party

For the Equatorial Guinean Party

[signature]

[signature]

Antoine Mboumbou-Miyakou

Santiago Nsobeya Efuman Nchama

Minister of State, Minister of the Interior,
Public Safety and Decentralization

Minister of Foreign Affairs, International
Cooperation and Francophony

AD HOC GABON/EQUATORIAL GUINEA BORDER COMMITTEE

Libreville, January 29 through 31, 2001

[signature]

[signature]

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association (ATA).

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

04/23/21

Date





COMMISSION AD HOC DES FRONTIERES

GABON / GUINEE - EQUATORIALE

Libreville du 29 au 31 Janvier 2001

PROCES - VERBAL

Sur invitation du Gouvernement de la République Gabonaise, la Commission Ad hoc des Frontières Gabon / Guinée-Equatoriale, s'est tenue à Libreville du 29 au 31 janvier 2001.

La délégation de la République Gabonaise était conduite par Son Excellence Monsieur **Antoine MBOUMBOU-MIYAKOU**, Ministre d'Etat, Ministre de l'Intérieur, de la Sécurité Publique et de la Décentralisation.

La délégation de la République de Guinée Equatoriale était, quant à elle, conduite par Son Excellence Monsieur **Santiago NSOBEYA EFUMAN NCHAMA**, Ministre des Affaires Etrangères, de la Coopération Internationale et de la Francophonie.

Les listes complètes des deux délégations font l'objet des annexes 1 et 2 du présent Procès-Verbal.

Au cours de la séance d'ouverture, le Chef de la délégation Gabonaise a exprimé les souhaits de cordiale et fraternelle bienvenue à la délégation Equato-Guinéenne, et a émis le vœu que son séjour en terre gabonaise se déroule dans les meilleures conditions.

Il a ensuite demandé aux Parties de travailler dans le respect des textes qui régissent le cadre juridique des travaux, à savoir :

- La Convention Franco-Espagnole du 27 juin 1900 ;
- La Charte des Nations-Unies ;
- La Charte de l'Organisation de l'Unité Africaine ;
- La Convention Internationale sur le Droit de la Mer.

Il a également exhorté les participants à s'appuyer sur les principes qui sous-tendent la définition et la délimitation de notre frontière, notamment :

- le respect des frontières héritées de la colonisation ;
- le respect de la souveraineté et de l'intégrité territoriale de chaque Etat.

Commission Ad hoc des Frontières Gabon / Guinée - Equatoriale
Libreville du 29 au 31 janvier 2001

2

Prenant à son tour la parole, le Chef de la délégation Equato-Guinéenne a « exprimé au nom de son Excellence OBIANG NGUEMA MBASOGO Président de la République et Président fondateur du Parti Démocratique de Guinée Equatoriale, du Gouvernement et de la délégation qui l'accompagne, sa profonde et sincère gratitude pour l'accueil fraternel et chaleureux dont a été l'objet sa délégation. Cela témoigne de l'excellence des relations d'amitié et de bon voisinage qui existent entre les deux pays.

Il a souligné qu'après la dernière Grande Commission Mixte du 3 au 5 octobre 1994 à Bata, la délégation de Guinée Equatoriale arrive à Libreville, déterminée à contribuer positivement aux négociations grâce à la volonté politique manifestée par les deux Chefs d'Etat de tout mettre en œuvre pour sortir de la situation de blocage que connaissent les travaux relatifs à la délimitation de la frontière entre les deux pays frères. Ces négociations nécessitent par conséquent une impulsion et une orientation nouvelles pour atteindre nos objectifs dans un esprit de fraternité et de solidarité.

Il a par ailleurs indiqué que la délimitation de la frontière doit se réaliser sur la base des principes du droit dans un esprit de justice et d'équité qui respecte les intérêts légitimes des deux pays frères. Il a en outre fait remarquer que le moment était venu pour que nous trouvions une solution définitive à ce contentieux. Cela pourra contribuer effectivement à maintenir la cohabitation harmonieuse et pacifique entre les générations présentes et futures des deux pays. Il a renouvelé les remerciements de sa délégation pour l'accueil chaleureux dont il a été l'objet et souhaité que les travaux connaissent un réel succès dans un esprit de sincérité et de franchise. »

Les travaux se sont déroulés en une Commission unique qui a adopté l'ordre du jour suivant :

I - Frontière Maritime

II - Frontière Terrestre

Avant d'aborder le premier point inscrit à l'ordre du jour, les deux Parties ont souhaité que leurs rencontres soient plus fréquentes à l'avenir afin d'éviter les périodes trop longues observées dans la tenue de leurs réunions.

3

Commission Ad hoc des Frontières Gabon / Guinée - Equatoriale
Libreville du 29 au 31 janvier 2001

I – Frontière Maritime

Les deux Parties ont réaffirmé l'utilisation de tous les instruments juridiques et historiques nécessaires à la délimitation équitable de leur frontière, à savoir :

- La Convention Franco-Espagnole du 27 juin 1900 ;
- La Charte des Nations-Unies ;
- La Charte de l'Organisation de l'Unité Africaine ;
- La Convention Internationale sur le Droit de la Mer.

La Partie Equato-guinéene a proposé l'intégration de l'accord de Brazzaville de 1972 parmi les éléments de la négociation.

Les deux Parties sont convenues de matérialiser sur des documents cartographiques retenus de commun accord, toutes les hypothèses de travail pouvant servir lors de la prochaine réunion de la Commission Ad hoc.

La Partie Equato-guinéene a présenté à la Partie Gabonaise deux hypothèses de travail :

1°) Découpage de la zone en trois secteurs ;

2°) Délimitation de la frontière maritime en faisant abstraction des îles MBANIE, CONGA, COCOTIER afin de visualiser le panorama général et tracer une ligne médiane entre les deux territoires ensuite examiner la situation des îles après ce tracé.

La Partie Gabonaise a promis à son tour matérialiser sur les mêmes documents cartographiques une hypothèse de travail.

Commission Ad hoc des Frontières Gabon / Guinée - Equatoriale
Libreville du 29 au 31 janvier 2001

4

Toutefois, ne disposant pas de cartes adéquates pour la matérialisation de ces hypothèses, les deux Parties sont convenues de travailler sur les cartes marines suivantes :

Cartes présentées par la Partie Gabonaise :

– La carte marine du Shom (France) n° 6183

Baie de corisco – rivières Mondah et Muny de 1960 échelle 1 / 103065

– La carte marine internationale 2088 (7188) Océan Atlantique - Côte d’Afrique de Lagos à Gamba de 1990 échelle 1 / 1 000 000

Carte présentée par la Partie Equato-Guinéenne :

- la carte marine n° 55 A Océan Atlantique Norte

Costa W de Africa de punta Mbonda a Cabo Santa Clara (instituto hidrografico de la marina, Cadiz 1981 échelle 1 / 175 000).

Les documents cartographiques en possession de chacune des Parties seront échangés par voie diplomatique.

L’examen des hypothèses de travail ci-dessus évoquées se fera lors de la prochaine réunion de la Commission Ad hoc.

II - Frontière Terrestre

Après un échange de vues constructif empreint de franchise et de compréhension mutuelle, les deux Parties sont convenues d’examiner tous les problèmes relatifs à la frontière terrestre lors de la prochaine réunion de la Commission Ad hoc.

La Partie Gabonaise a demandé à la Partie Equato-guinéenne que les questions consulaires ainsi que celles relatives à la circulation transfrontière soient examinées au cours des travaux de cette Commission Ad hoc.

5

Commission Ad hoc des Frontières Gabon / Guinée - Equatoriale
Libreville du 29 au 31 janvier 2001

La Partie Equato-Guinéenne a marqué son accord, et a fait observer que lesdites questions méritaient d'être examinées dans le cadre de la Grande Commission Mixte de Coopération Gabon / Guinée-Equatoriale.

Les deux Parties sont convenues de ce que la prochaine réunion de la Commission Ad hoc des frontières ait lieu en Guinée Equatoriale au deuxième trimestre de l'année en cours, dont la date sera fixée par voie diplomatique.

Les deux Parties se sont félicitées de l'esprit d'ouverture, de compréhension et de respect mutuel qui a prévalu durant le déroulement des travaux.

Le Chef de la délégation Equato-guinéenne a remercié le Gouvernement et le peuple Gabonais pour l'hospitalité, l'accueil chaleureux et pour toutes les facilités qui ont contribué à rendre agréable leur séjour à Libreville.

Cela est le reflet de l'excellence des relations d'amitié entre les deux pays frères et leurs Excellences les Présidents **OMAR BONGO** et **OBIANG NGUEMA MBASOGO**.

Fait à libreville, le 31 janvier 2001

En deux exemplaires originaux en langues française et espagnole, les deux textes faisant également foi.

Pour la Partie Gabonaise

Pour la Partie Equato-Guinéenne



Antoine MBOUMBOU-MIYAKOU



Santiago NSOBEYA EFUMAN NCHAMA

Ministre d'Etat,
Ministre de l'intérieur, de la Sécurité
Publique et de la Décentralisation

Ministre des Affaires Etrangères, de
la Coopération Internationale et de la
Francophonie

6

Commission Ad hoc des Frontières Gabon / Guinée - Equatoriale
Libreville du 29 au 31 janvier 2001

Annex 213

Republic of Equatorial Guinea, *Minutes of the Ad-hoc Commission on Equatorial Guinea-Gabon Borders*, Malabo (23 May 2003)

TRANSLATION

27-05-03 14:40 240 9 3166

DTOR GRAL SEGESA->0012029868102 ECM

Page 05

UNITY, PEACE, JUSTICE

**MINUTES OF THE AD HOC COMMISSION ON EQUATORIAL
GUINEA – GABON BORDERS**

The Ad Hoc Commission on Equatorial Guinea – Gabon Borders met in Malabo, capital city of the Republic of Equatorial Guinea, on May 20–23, 2003.

The delegation from the Republic of Equatorial Guinea was headed by Mr. Pastor MICHA ONDO BILE, Minister of Foreign Affairs, International Cooperation and Francophonie, President of the National Borders Commission.

The delegation from the Republic of Gabon was presided by Mr. Antoine de Padoue MBOUMBOU MIYAKOU, Vice Prime Minister and Minister of Cities.

WATER STREET TRANSLATIONS

TRANSLATION

27-05-03 14:40 240 9 3166

DTOR GRAL SEGESA->0012029868102 ECM

Page 06

During the course of the opening session, which was attended by the Vice Second Prime Minister of Government, Mr. Jeremias ONDO NGOMO, the Head of the Delegation from Equatorial Guinea—on behalf of His Excellency OBIANG NGUEMA MGASOGO, President of the Republic, head of State and Founding President of the Democratic Party of Equatorial Guinea—and on behalf of the delegation accompanying him, gave a cordial greeting and fraternal welcome to the Gabonese Delegation and expressed his desire that their stay in the capital of the Republic of Equatorial Guinea would take place in the best of conditions.

He also expressed satisfaction with the fact that this meeting is a reencounter of brothers who share the same principles of International Law and of good neighborliness in their inter-state relations.

Lastly, he stressed that in this meeting both parties were committed to implementing the political will of the two Heads of State, as expressed recently in Libreville on

TRANSLATION

27-05-03 14:40 240 9 3166

DTOR GRAL SEGESA->0012029868102 ECM

Page 07

May 2 of this year on the occasion of the working visit of His Excellency OBIANG NGUEMA MBASOGO to his counterpart and brother, His Excellency EL HADJ OMAR BONGO, President of the Republic of Gabon.

For his part, the Head of the Delegation of the Republic of Gabon, in turn, thanked the Head of the Delegation of Equatorial Guinea and the people of Equatorial Guinea for the warm, brotherly reception extended to him and to the delegation accompanying him. He also asked the two delegations to work on the basis of the political will expressed by the Heads of State of the two brother countries.

TRANSLATION

27-05-03 14:40 240 9 3166

DTOR GRAL SEGESA->0012029868102 ECM

Page 08

During his speech, the Head of the Gabonese Delegation stated that they had been entrusted by the President of the Republic of Gabon with implementation of an agreement that entails delimitation of a maritime zone for joint exploitation of national and biological resources between the Republic of Equatorial Guinea and the Republic of Gabon.

The two delegations approved the following agenda as the framework for their talks:

1. Reading of the Minutes of the meeting in Libreville on January 29–31, 2001
2. Delimitation of Boundaries: Examination of Documents and Maps.
3. Preparation of Alternative Boundary Lines.
4. Delimitation of the Joint Exploitation Zone
5. Miscellaneous Matters

UNITY, PEACE, JUSTICE

– 5 –

5. Miscellaneous Matters [*sic*]

The two parties discussed the agenda inserted.

Concerning Point 2, the Gabonese Party introduced a photocopy of the 1974 Convention on the delimitation of the land and maritime border between the Republic of Gabon and the Republic of Equatorial Guinea.

In response to this new document, the Party from the Republic of Equatorial Guinea expressed the following reservations:

1. The Republic of Equatorial Guinea refutes and denies the existence of the hypothetical convention delimiting the border between the Republic of Equatorial Guinea and the Republic of Gabon since 1974. Therefore, the Republic of Equatorial Guinea denies the existence of that convention and its validity.

UNITY, PEACE, JUSTICE

– 6 –

2. Since the beginning of the negotiations between the Republic of Equatorial Guinea and the Republic of Gabon in 1979 to date, 2003, the Republic of Gabon has never exhibited this convention between the parties or mentioned its existence.

3. The Republic of Equatorial Guinea has been negotiating in good faith, thinking that it is working with the Republic of Gabon to try to delimit their borders, in keeping with the Franco-Spanish Treaty of 1900, the United Nations Convention on the Law of the Sea and the practice of International Law.

4. However, the Republic of Equatorial Guinea asks the Gabonese Party for the originals of the two counterparts in French and Spanish, to verify whether the convention was signed on common or official paper. Because the convention is said to have been signed in Bata, it should be drawn up on official paper of the Republic of Equatorial Guinea.

UNITY, PEACE, JUSTICE

– 7 –

5. In 1974, the government at that time had imposed the authenticity of African names, so in that [handwritten: era] the President of the Republic of Equatorial Guinea of the era in question was named MASIE NGUEMA BIYOGO, not FRANCISCO MACÍAS NGUEMA BIYOGO, as appears in the alleged convention.

6. The photocopy of the convention presented by the Gabonese Party also contains an addendum that interprets Article 4 of the Spanish-French Treaty of 1900, but that addendum is not signed.

7. The government of the Republic of Equatorial Guinea has consulted the UNTREATY UNORG website (database of UN treaties) and this alleged Convention of 1974 is not registered, although Article 80 of the United Nations Convention on the Law of the Sea and the Article 120 of the United Nations Charter require registration and publication of treaties and conventions signed between states.

TRANSLATION

27-05-03 14:40 240 9 3166

DTOR GRAL SEGESA->0012029868102 ECM

Page 12

UNITY, PEACE, JUSTICE

– 8 –

8. The delegation of the Republic of Gabon informs us that the photocopy of the Convention of 1974 was provided to them by the French government. If they [the Republic of Gabon] did not have it, all the more reason to assume that the government of Equatorial Guinea had never seen the document in question. It is also strange that the copy of a convention concluded between two states would be provided by a third state.

9. Considering that in the Verbal Note of Protest from the government of Gabon, dated September 13, 1992, the Gabonese Party based its complaint on Decree 2066/PR of December 4, 1992, through which it promulgated its baseline based on the islet of Mbañe as an argument for its claim to that islet, and not on the basis of the alleged Convention of 1974.

WATER STREET TRANSLATIONS

UNITY, PEACE, JUSTICE

– 9 –

During the course of the meetings, after an exchange of documents, proposals and graphic presentations of the maps concerning definition of the joint exploitation zone and annexes relating to the maritime boundary, the two delegations have agreed to:

1. Retain the mutually exchanged proposals, in order to reexamine them and inform their respective heads of state on them and the outlook they allow to make progress in the negotiations (Annexes 3 and 4).
2. Meet again in Libreville, Gabon, in no later than thirty days.

The two delegations congratulated each other on the climate of understanding and cordiality that prevailed during the course of the negotiations and have reaffirmed their determination to find a solution that implements the political will of the two heads of state to establish a joint exploitation zone and to continue with the negotiations underway for the delimitation of the maritime boundary between the two brother countries.

27-05-03 14:40 240 9 3166

TRANSLATION
DTOR GRAL SEGESA->0012029868102 ECM

Page 14

UNITY, PEACE, JUSTICE

Drawn up in Malabo on May twenty-three, two thousand three.

FOR THE REPUBLIC OF GABON

FOR THE REPUBLIC OF
EQUATORIAL GUINEA

[No signature]
Mr. Antoine de Padoue
MBOUMBOU MIYAKOU

[No signature]
Mr. Pastor MICHA
ONDO BILE

WATER STREET TRANSLATIONS

**WATER STREET TRANSLATIONS, LLC**

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Laura Pohlig, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

March 4, 2021

Date





ACTA DE LA COMISION AD HOC DE FRONTERAS GUINEA
ECUATORIAL-GABON.-

En Malabo, Capital de la República de Guinea Ecuatorial, se ha reunido del 20 al 23 de mayo del año 2003, la Comisión Ad-Hoc de Fronteras Guinea Ecuatorial - Gabón.

La Delegación de la República de Guinea Ecuatorial, estaba encabezada por el Excelentísimo Señor Don Pastor MICHA ONDO BILE, Ministro de Asuntos Exteriores, Cooperación Internacional y Francofonía, Presidente de la Comisión Nacional de Fronteras.

La Delegación de la República Gabonesa estaba presidida por el Excelentísimo Señor Don Antoine de Padoue MBOUMBOU MIYAKOU, Vice-Primer Ministro, y Ministro de Ciudades.

...//...

En el transcurso de la sesión de apertura, que contó con la presencia del Vice-Primer Ministro Segundo del Gobierno, Excelentísimo Señor Don Jeremias ONDO NGOMO, el Jefe de la Delegación de Guinea Ecuatorial, en nombre de Su Excelencia OBIANG NGUEMA MBASOGO, Presidente de la República, Jefe de Estado y Presidente Fundador del Partido Democrático de Guinea Ecuatorial, y de la delegación que le acompaña, expresó su cordial saludo y fraternal bienvenida a la Delegación Gabonesa y emitió el voto de que su estancia en la Capital de la República de Guinea Ecuatorial, Malabo, se desarrolle en las mejores condiciones.

Igualmente, manifestó la satisfacción de que esta reunión significa el reencuentro de hermanos que comparten los mismos principios del Derecho Internacional y de buena vecindad en sus relaciones interestatales.

Finalmente, subrayó que en la presente reunión ambas partes estaban comprometidas a hacer realidad la voluntad política de los dos Jefes de Estado, expresada recientemente en Libreville, el día 2

...//...

27-05-03 14:41 240 9 3166

DTOR GRAL SEGESA->0012029868102 ECM

Pág. 07

del presente mes de mayo, con ocasión de la visita de trabajo de Su Excelencia OBIANG NGUEMA MBASOSGO, a su Homólogo y hermano, Su Excelencia EL HADJ OMAR BONGO, Presidente de la República Gabonesa.

Por su parte, el Jefe de la Delegación de la República Gabonesa, a su vez, agradeció al Jefe de la Delegación de Guinea Ecuatorial y al Pueblo de Guinea Ecuatorial, por el recibimiento caluroso y fraternal que le ha sido reservado y a la Delegación que le acompaña. Pidió igualmente a ambas Delegaciones trabajar sobre la base de la voluntad política expresada por los Jefes de Estado de ambos Países hermanos.

...//...

Durante su intervención, el Jefe de la Delegación Gabonesa patentizó que habían sido encomendados por el Presidente de la República Gabonesa para la materialización de un Acuerdo que conlleve la delimitación de una Zona Marítima de Explotación Conjunta de Recursos Naturales y biológicos entre la República de Guinea Ecuatorial y la República Gabonesa.

Ambas Delegaciones aprobaron el siguiente orden del día como marco de sus conversaciones:

1.- Lectura del Acta de la reunión de Libreville, del 29 al 31 de enero del año 2001.

2.- Delimitación de Fronteras : Examen de Documentos y Mapas.

3.- Elaboración de Líneas alternativas de Fronteras.

4.- Delimitación de la Zona de Explotación Conjunta.

5.- Asuntos Varios.

...//...



-5-

5.- Asuntos Varios.

El orden del día insertado fue objeto de debate entre las Partes.

En cuanto al punto 2, la Parte Gabonesa introdujo una fotocopia de la Convención de 1974, relativa a la delimitación de la frontera terrestre y marítima entre la República Gabonesa y la República de Guinea Ecuatorial.

En respuesta a ese nuevo documento, la Parte de la República de Guinea Ecuatorial formuló las siguientes reservas:

1.- La República de Guinea Ecuatorial ignora y desconoce la existencia de la hipotética Convención que delimita la frontera desde 1974 entre la República de Guinea Ecuatorial y la República Gabonesa. Por lo tanto, la República de Guinea Ecuatorial niega sobre la existencia de esa Convención así como su validez.

...//...



-6-

2.- Desde el inicio de las negociaciones entre la República de Guinea Ecuatorial y la República Gabonesa en 1979 hasta la fecha 2003, la República de Gabonesa nunca había exhibido ni anunciado que esta Convención existía entre las Partes.

3.- La República de Guinea Ecuatorial viene negociando de buena fe pensando que con la República Gabonesa están tratando de delimitar sus fronteras, de conformidad con el Tratado hispano-francés de 1900, el Convenio de las Naciones Unidas sobre el Derecho del Mar y la práctica del Derecho Internacional.

4.- No obstante, la delegación de la República de Guinea Ecuatorial pide a la Parte Gabonesa originales de ambos textos en francés y español para comprobar si la Convención fue firmada en papel comú u oficial, teniendo en cuenta que se dice que la Convención fue firmada en Bata, pues debería estar producida en papel oficial de la República de Guinea Ecuatorial.

...//...



5.- En el 1974, el régimen de entonces, había impuesto la autenticidad de nombres africanos por lo que en aquella época el Presidente de la República de Guinea Ecuatorial en la época en cuestión se llamaba MASIE NGUEMA BIYOGO y no Don FRANCISCO MACÍAS NGUEMA BIYOGO como aparece en el hipotético Convenio.

6.- La fotocopia de la Convención presentada por la Parte Gabonesa contiene además un adendum que interpreta el artículo 4 del Tratado hispano-francés de 1900, sin embargo, dicho adendum no está refrendado.

7.- El Gobierno de la República de Guinea Ecuatorial ha consultado la página web UNTREATY UNORG (base de datos sobre Tratados de la ONU) y no aparece registrado el supuesto Convenio de 1974, cuando tanto la Convención de las Naciones Unidas sobre el Derecho del Mar, en su artículo 80, como la Carta de las Naciones Unidas en su artículo 102 exigen el registro y publicación de los Tratados y Convenios firmados entre los Estados.

...//...



-8-

8.- La Delegación de la República Gabonesa nos informa que la fotocopia del Convenio de 1974 les ha sido suministrada por el Gobierno francés. Si no se disponían del mismo, razón de más para asegurar que el Gobierno de Guinea Ecuatorial nunca había visto el citado documento, además resulta extraño que la copia de un Convenio concluido entre dos Estados fuera suministrado por uno tercero.

9.- Teniendo en cuenta que la Nota Verbal de protesta del Gobierno Gabonés, de fecha 13 de septiembre de 1992, la Parte gabonesa basaba su queja en base al Decreto 2066/PR, de 4 de diciembre de 1992 por el que promulgó su línea de base apoyada en el islote de Mbañe como argumento de su reivindicación de dicho Islote, y no en virtud de la hipotética Convención del año 1974.

...//...



-9-

Durante el desarrollo de las reuniones ambas Delegaciones, previo intercambio de documentos propuestas y presentaciones gráficas de los mapas sobre la definición de la zona de explotación Conjunta y anexos relativos a la frontera marítima, han convenido:

1.- Retener las propuestas recíprocamente intercambiadas, a fin de ser reexaminadas informar a sus respectivos Jefes de Estado sobre las mismas y las perspectivas que permitan progresar en las negociaciones (Anexos 3 y 4).

2.- Reunirse de nuevo en Libreville-Gabón en un plazo no superior a treinta días.

Ambas Delegaciones se han felicitado por el clima de entendimiento y cordialidad que han prevalecido en el transcurso de las negociaciones y han reafirmado su determinación de hallar una solución que traduzca la voluntad política de los dos Jefes de Estado para establecer una zona de explotación conjunta y proseguir con las negociaciones en curso para la delimitación de la frontera marítima entre ambos Países hermanos.

...//...



Hecho en Malabo, a veintitres días del mes de mayo del año dos mil tres.

POR LA REPÚBLICA GABONESA

POR LA REPÚBLICA DE ECUATORIAL GUINEA

Excmo. Señor Antoine de Padoue MBOUMBOU MIYAKOU

Excmo. Señor Pastor MICHA ONDO BILE

Annex 214

The Republic of Equatorial Guinea and The Gabonese Republic, *Convention Delimiting the Land and Maritime Boundaries of Equatorial Guinea and Gabon* (12 September 1974) (Retyped French-language version, as published in the UNTS Vol.2248)

TRANSLATION

No. 40037

**Gabon
and
Equatorial Guinea**

**Convention delimiting the land and maritime boundaries of Equatorial
Guinea and Gabon. Bata, 12 September 1974**

Entry into force: *September 12, 1974 by signature, in accordance with article 10*

Authentic texts: *French and Spanish*

Registration with the Secretariat of the United Nations: *Gabon, March 2, 2004*

TRANSLATION

Volume 2248, I-40037

CONVENTION DELIMITING THE LAND AND MARITIME BOUNDARIES OF
EQUATORIAL GUINEA AND GABON

The President of the Gabonese Republic and

The President for Life of the Republic of Equatorial Guinea,

Considering that treaties and conventions are an important means of fostering peaceful cooperation between Nations, irrespective of their political regimes,

Reaffirming their faith in the purposes and principles set forth in the Charter of the United Nations and in the Charter of the Organization of African Unity,

Desiring to lay firm foundations for peace between their two countries, notably by definitively establishing their common land and maritime boundaries,

Agreed to the following:

Article 1

Subject to the provisions of Article 2 below, the boundary between the Republic of Equatorial Guinea and the Gabonese Republic on the coast of the Gulf of Guinea shall begin at the point where the thalweg of the Muni River intersects a straight line traced from Cocobeach point to Dieke point. It shall then proceed along the thalweg of the Muni River and of the Outemboni [Utamboni] River up to the first point at which the 1 degree north latitude crosses the latter river, and shall proceed along this parallel until it intersects the 9 degrees longitude east of Paris (11° 20' East of Greenwich).

From this latter point of intersection, the second demarcation between the two States shall coincide with the 9° east of Paris meridian (11°20 east of Greenwich) until it meets the southern border of the United Republic of Cameroon.

Article 2

The area of the Medouneu District located in the territory of Equatorial Guinea beyond the parallel of 1° north latitude is ceded to the Gabonese Republic, and shall henceforth be an integral part of its territory.

In compensation, the Gabonese Republic cedes to the Republic of Equatorial Guinea both the portion of land surrounding and including the towns of Ngong and Allen and also a one kilometer land area, one of whose peaks is the site called "carrefour international" [international crossroads]. These two portions of land, which shall have a total surface area equal to that ceded to the Gabonese Republic, shall henceforth be an integral part of the Republic of Equatorial Guinea.

TRANSLATION

Volume 2248, I-40037

Article 3

The High Contracting Parties recognize that Mbanie Island is an integral part of the territory of the Gabonese Republic and also that the Elobey Islands and Corisco Island are integral parts of the territory of the Republic of Equatorial Guinea.

Article 4

The maritime boundary between the Republic of Equatorial Guinea and the Gabonese Republic shall be formed by a straight line parallel to latitude 1° north, starting from where the thalweg of the Muni River intersects with a straight line traced from Cocobeach point to Dieke point.

However, the Republic of Equatorial Guinea is granted around the Elobey islands and Corisco Island water areas with the following dimensions:

For Corisco Island:

1.5 miles to the north;

6 miles to the west;

1.5 miles to the south, meaning between Corisco and Mbagne;

1.5 miles to the east.

For the Elobey Islands:

0.06 miles to the north of Elobey Chico;

1.5 miles to the west;

0.30 miles to the east;

0.30 miles to the south of Elobey Grande.

Article 5

For access by sea to the Muni River as well as to the Elobey Islands and Corisco Island, Equatoguinean vessels shall enjoy, in Gabonese territorial waters, the same facilities that Gabonese vessels enjoy. The same shall apply, by way of reciprocity, to Gabonese ships in the territorial waters of Equatorial Guinea.

Navigation and fishing shall be unhindered for nationals of Equatorial Guinea and Gabon in the Muni and Outemboni Rivers.

Policing of navigation and fishing in those areas, in the territorial waters of Equatorial Guinea and Gabon, in the vicinity of the entrance to the Muni River, as well as other matters related to border relations and provisions relating to lighting, beaconing, water management and use shall be subject to joint arrangements between the Government of the Gabonese Republic and the Government of the Republic of Equatorial Guinea.

TRANSLATION

Volume 2248, I-40037

Article 6

The rights and privileges arising from article 3 of the present treaty, provided for due to the common or adjacent nature of the above-mentioned bays, outlets, rivers and territories, shall be exclusively reserved for the nationals of the High Contracting Parties, and may not in any way be transferred or granted to nationals of other countries.

Article 7

Protocols shall be made, both to determine the surface area and exact limits of the land area ceded to the Gabonese Republic and that ceded to the Republic of Equatorial Guinea, and also, to specify the terms and conditions of the application of the present Convention.

Article 8

Materialization of the boundaries shall be done by a team composed of representatives of both countries, in equal number, with the aid or participation, as necessary, of technicians and observers from the Organization of African Unity or any other international body, chosen by mutual agreement.

Article 9

Disputes arising from the application or interpretation of the present treaty shall be submitted to a joint commission, and, if necessary, settled in accordance with Article 33 of the Charter of the United Nations.

Article 10

The present Convention enters into force upon its signature.

Executed at Bata, on 12 September 1974, in two originals, in the French and Spanish languages, both texts being equally authentic.

ALBERT-BERNARD BONGO

DON FRANCISCO MACIAS NGUEMA BIYOGO

N.B. The two Heads of State agree to subsequently proceed with a new drafting of article 4 in order to bring it into conformity with the 1900 Convention.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Eve Hecht, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/26/21

Date



No. 40037

**Gabon
and
Equatorial Guinea**

Convention demarcating the land and maritime frontiers of Equatorial Guinea and Gabon. Bata, 12 September 1974

Entry into force: *12 September 1974 by signature, in accordance with article 10*

Authentic texts: *French and Spanish*

Registration with the Secretariat of the United Nations: *Gabon, 2 March 2004*

**Gabon
et
Guinée équatoriale**

Convention délimitant les frontières terrestres et maritimes de la Guinée équatoriale et du Gabon. Bata, 12 septembre 1974

Entrée en vigueur : *12 septembre 1974 par signature, conformément à l'article 10*

Textes authentiques : *français et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Gabon, 2 mars 2004*

[FRENCH TEXT — TEXTE FRANÇAIS]

CONVENTION DÉLIMITANT LES FRONTIÈRES TERRESTRES ET MARI-
TIMES DE LA GUINÉE-EQUATORIALE ET DU GABON

Le Président de la République Gabonaise

Et le Président à vie de la République de Guinée Equatoriale

Considérant que les traités et les conventions constituent un moyen important permettant de développer la coopération pacifique entre les Nations, quels que soient les régimes politiques de celles-ci;

Proclamant à nouveau leur foi dans les buts et les principes énoncés dans la Charte de l'Organisation des Nations Unies ainsi que dans celle de l'Organisation de l'Unité Africaine;

Désireux de jeter les bases durables de la paix entre leurs deux pays, notamment en établissant définitivement leurs frontières terrestres et maritimes communes;

Sont convenus de ce qui suit:

Article 1er

Sous réserve des dispositions de l'article 2 ci-dessous, la limite entre la République de la Guinée Equatoriale et la République Gabonaise sur la côte du golfe de Guinée partira du point d'intersection du thalweg de la rivière Mouni avec une ligne droite tirée de la pointe Cocobeach à la pointe Diéké. Elle remontera ensuite le thalweg de la rivière Mouni et celui de la rivière Outemboni jusqu'au point où cette rivière est coupée pour la première fois par le 1er degré de latitude nord et se confondra avec ce parallèle jusqu'à son intersection avec le 9ème degré de longitude est de Paris (11° 20', est de Greenwich).

De ce dernier point d'intersection, la deuxième démarcation entre les deux Etats se confondra avec le méridien 9 est de Paris (11°20', est de Greenwich) jusqu'à sa rencontre avec la frontière méridionale de la République Unie du Cameroun.

Article 2

La portion du District de Medouneu située en territoire guinéen, au-delà du parallèle du 1er degré de latitude nord, est cédée à la République Gabonaise et fera désormais partie intégrante du territoire de celle-ci.

En compensation, la République Gabonaise cède à la République de Guinée Equatoriale d'une part une portion de terre située autour des agglomérations de Ngong et Allen et comprenant lesdites agglomérations et d'autre part une portion de terre de 1 km dont l'un des sommets est le lieu dit carrefour international. Ces deux portions de terre qui seront d'une superficie totale équivalente à celle cédée à la République Gabonaise, feront désormais partie intégrante de la République de Guinée Equatoriale.

Article 3

Les hautes parties contractantes reconnaissent, d'une part que l'île Mbanie fait partie intégrante du territoire de la République gabonaise, et d'autre part, que les îles Elobey et l'île Corisco font partie intégrante du territoire de la République de Guinée Equatoriale.

Article 4

La frontière maritime entre la République de Guinée Equatoriale et la République gabonaise sera constituée par une ligne droite parallèle au 1 degré de latitude nord, et partant du point d'intersection du thalweg de la rivière Mouni avec le segment de droite tirée de la pointe Cocobeach à la pointe Diéké.

Toutefois il est concédé à la République de Guinée Equatoriale, autour des îles Elobey et de l'île Corisco, des portions d'eau dont les largeurs sont les suivantes:

Pour l'île Corisco :

1,5 miles au nord

6 miles à l'ouest

1,5 miles au sud, c'est-à-dire entre Corisco et Mbagne

1,5 miles à l'est

Pour les îles Elobey :

0,06 miles au nord d'Elobey chico

1,5 miles à l'ouest

0,30 miles à l'est

0,30 miles au sud d'Elobey grande

Article 5

Pour l'accès par mer à la rivière Mouni ainsi qu'aux îles Elobey et Corisco, les navires équato-guinéens jouiront, dans les eaux territoriales gabonaises, de toutes les facilités dont pourront bénéficier les navires gabonais. Il en sera de même, à titre de réciprocité, pour les navires gabonais dans les eaux territoriales équato-guinéennes.

La navigation et la pêche seront libres pour les ressortissants équato-guinéens et gabonais dans les rivières Mouni et Outemboni.

La police de la navigation et de la pêche dans ces parages, dans les eaux territoriales équato-guinéennes et gabonaises, aux abords de l'entrée de la rivière Mouni, ainsi que les autres questions relatives aux rapports entre frontaliers, les dispositions concernant l'éclairage, le balisage, l'aménagement et la jouissance des eaux feront l'objet d'arrangements concertés entre le Gouvernement de la République Gabonaise et le Gouvernement de la République de Guinée Equatoriale.

Article 6

Les droits et avantages qui découlent l'article 3 du présent traité étant stipulés à raison du caractère commun ou limitrophe des baies, embouchures, rivières et territoires susmentionnés, seront exclusivement réservés aux ressortissants des deux hautes parties contractantes et ne pourront en aucune façon être transmis ou concédés aux ressortissants d'autres nations.

Article 7

Des protocoles d'accord seront pris, d'une part, pour déterminer les superficies et les limites exactes de la portion de terre cédée à la République gabonaise et celle cédée à la République de Guinée Equatoriale, et, d'autre part, pour préciser les modalités d'application de la présente Convention.

Article 8

La matérialisation des frontières sera faite par une équipe composée des représentants des deux pays, en nombre égal, avec au besoin le concours ou la participation de techniciens et observateurs de l'Organisation de l'Unité Africaine ou de tout autre organisme international, choisis d'un commun accord.

Article 9

Les litiges nés de l'application ou de l'interprétation du présent traité seront soumis à une commission mixte paritaire, et, s'il y a lieu, réglés conformément à l'article 33 de la Charte de l'Organisation des Nations Unies.

Article 10

La présente Convention entrera en vigueur dès sa signature.

Fait à Bata, le 12 septembre 1974 en deux originaux, en langue française et espagnole, les deux originaux faisant également foi.

ALBERT-BERNARD BONGO

DON FRANCISCO MACIAS NGUEMA BIYOGO

N.B. Les deux Chefs d'Etat conviennent de procéder ultérieurement à une nouvelle rédaction de l'article 4, afin de la mettre en conformité avec la Convention de 1900.

Annex 215

The Republic of Equatorial Guinea and The Gabonese Republic, *Convention Delimiting the Land and Maritime Boundaries of Equatorial Guinea and Gabon* (12 September 1974)
(French-language photocopy)

TRANSLATION

CONVENTION

DELIMITING THE LAND AND MARITIME BOUNDARIES OF EQUATORIAL GUINEA AND GABON

The President of the Gabonese Republic

And the President for Life of the Republic of Equatorial Guinea

Considering that treaties and conventions are an important means of fostering peaceful cooperation between Nations, irrespective of their political regimes;

Reaffirming their faith in the purposes and the principles set forth in the Charter of the United Nations and in the Charter of the Organization of African Unity;

Desiring to lay firm foundations for peace between their two countries, notably by definitively establishing their common land and maritime boundaries;

Agreed to the following:

Article 1. Subject to the provisions of Article 2 below, the boundary between the Republic of Equatorial Guinea and the Gabonese Republic on the [coast] of the Gulf of Guinea shall begin at the point where the thalweg of the Muni River intersects a straight line traced from Cocobeach point to Dieke point. It shall then proceed along the thalweg of the Muni River and of the Outemboni [Utamboni] River up to the first point at which the 1 degree north latitude crosses the latter river, and shall proceed along this parallel until it intersects the 9 degrees longitude east of Paris (11° 20' East of Greenwich).

From this latter point of intersection, the second demarcation between the two States shall coincide with the 9° east of Paris meridian (11° 20, east of Greenwich) until it meets the southern border of the United Republic of Cameroon.

Article 2. The area of the Médouneu District located in territory of Equatorial Guinea, beyond the parallel of 1° north latitude is ceded to the Gabonese Republic and shall henceforth be an integral part of its territory.

WATER STREET TRANSLATIONS

TRANSLATION

- 2 -

In compensation, the Gabonese Republic cedes to the Republic of Equatorial Guinea the portion of land surrounding and including the towns of Ngong and [Allen] and also a 1 km land area, one of whose peaks is the site called "carrefour international" [international crossroads]. These two portions of land, which shall have a total surface area equal to that ceded to the Gabonese Republic, shall henceforth be an integral part of the Republic of Equatorial Guinea.

Article 3. The High Contracting Parties recognize that the Mbanie Island is an integral part of the territory of the Gabonese Republic, and also that the Elobey islands and Corisco Island are integral parts of the territory of the Republic of Equatorial Guinea.

Article 4. The maritime boundary between the Republic of Equatorial Guinea and the Gabonese Republic shall be formed by a straight line parallel to latitude 1° North starting from the point where the thalweg of the Muni River intersects with a straight line traced from Cocobeach point to Dieke point.

However, the Republic of Equatorial Guinea is granted, around the Elobey islands and Corisco Island, water areas with the following dimensions:

For the Corisco island:

1.5 miles to the north
6 miles to the west
1.5 miles to the south, meaning between Corisco and Mbagne
1.5 miles to the east

For the Elobey islands:

0.06 miles to the north of Elobey Chico
1.5 miles to the west
0.30 miles to the east
0.30 miles to the south of Elobey Grande

[Initials]

[Initials]

Article 5. For access by sea to the Muni River as well as to the Elobey Islands and Corisco Island, Equatoguinean vessels shall enjoy, in Gabonese territorial waters, the same facilities that Gabonese vessels enjoy. The same shall apply, by way of reciprocity, to Gabonese ships in the territorial waters of Equatorial Guinea.

Navigation and fishing shall be unhindered for nationals [illegible] and Gabon in the Muni and Outemboni rivers.

Policing of navigation and fishing in those areas, in the territorial [illegible] of Equatorial Guinea and Gabon in the vicinity of the entrance to the Muni River

WATER STREET TRANSLATIONS

TRANSLATION

- 3 -

as well as other matters related to borders relations and provisions relating to lighting, beaconing, water management and use shall be the subject to joint arrangements between the government of the Gabonese Republic and the government of the Republic of Equatorial Guinea.

[Handwritten marginal note:] of the present convention [2 sets of initials]

Article 6. The rights and privileges arising from Article 3 of ~~the present treaty~~ [illegible]; provided for due to the common or adjacent nature of the above-mentioned bays, outlets, rivers and territories; shall be exclusively reserved for the nationals of the High Contracting Parties, and may not in any way be transferred or granted to nationals of other countries.

Article 7. Protocols shall be made both to determine the surface area and exact limits of the land area ceded to the Gabonese Republic and that ceded to the Republic of Equatorial Guinea; and also, to specify the terms and conditions of the application of the present Convention.

Article 8. Materialization of the boundaries shall be done by a team composed of representatives of both countries, in equal number, with the aid or participation, as necessary, of technicians and observers from the Organization of African Unity or any other international body, chosen by mutual agreement.

[Handwritten marginal note:] of the present convention [2 sets of initials]

Article 9. Disputes arising from application or interpretation of ~~the present treaty~~ shall be submitted to a joint commission, and, if necessary, settled in accordance with Article 33 of the Charter of the United Nations Charter.

Article 10. The present Convention enters into force upon its signature.

Executed in Bata, September 12, 1974,
in two originals, in French and Spanish language, both texts being
equally authentic.

[signature]
Albert-Bernard Bongo

[signature]
Don Francisco Macias Nguema [illegible]

Nota bene: The two heads of state agree to subsequently proceed with a new drafting of Article 4 in order to bring it into conformity with the 1900 Convention.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016

www.waterstreettranslations.com

(212) 776-1713

info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Bruce D. Popp, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."



Kent G. Heine
Water Street Translations, LLC

09/26/21

Date



C O N V E N T I O N

DELIMITANT LES FRONTIÈRES TERRESTRES ET MARITIMES
DE LA GUINÉE-EQUATORIALE ET DU GABON.-

-o-o-o-o-o-

Le Président de la République Gabonaise.

Et le Président à vis de la République de
Guinée Equatoriale.

Considérant que les traités et les conventions constituent un moyen important permettant de développer la coopération pacifique entre les Nations, quels que soient les régimes politiques de celles-ci;

Proclament à nouveau leur foi dans les buts et les principes énoncés dans la Charte de l'Organisation des Nations Unies ainsi que dans celle de l'Organisation de l'Unité Africaine;

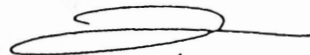
Désireux de jeter les bases durables de la paix entre leurs deux pays, notamment en établissant définitivement leurs frontières terrestres et maritimes communes.

Sont convenus de ce qui suit :

Article 1er. - Sous réserve des dispositions de l'article 2 ci-dessous, la limite entre la République de la Guinée Equatoriale et la République Gabonaise sur la côte du golfe de Guinée partira du point d'intersection du thalweg de la rivière Mouni avec une ligne droite tirée de la pointe Cocobeach à la pointe Diaké. Elle remontera ensuite le thalweg de la rivière Mouni et celui de la rivière Outemboni jusqu'au point où cette dernière rivière est coupée pour la première fois par le 1er degré de latitude nord et se confondra avec ce parallèle jusqu'à son intersection avec le 9ème degré de longitude est de Paris (11°20, est de Greenwich),

De ce dernier point d'intersection, la deuxième démarcation entre les deux États se confondra avec le méridien 9 est de Paris (11°20, est de Greenwich) jusqu'à se rencontrer avec la frontière méridionale de la République Unie du Cameroun.

Article 2. - La portion du District de Mádouneu située en territoire guinéen, au-delà du parallèle du 1er degré de latitude nord, est cédée à la République Gabonaise et fera désormais partie intégrante du territoire de celle-ci.


.../...

En compensation, la République Gabonaise cède à la République de Guinée Equatoriale d'une part une portion de terre située autour des agglomérations de Ngong et Allen et comprenant lesdites agglomérations et d'autre part une portion de terre de 1 Km dont l'un des sommets est le lieu dit correfour international. Ces deux portions de terre qui seront d'une superficie totale équivalente à celle cédée à la République Gabonaise, feront désormais partie intégrante de la République de Guinée Equatoriale.

Article 3.- Les hautes parties contractantes reconnaissent, d'une part, que l'Ile MBAMIE fait partie intégrante du territoire de la République gabonaise, et d'autre part, que les Iles ELOBEY et l'Ile CORISCO font partie intégrante du territoire de la République de Guinée-Equatoriale.

Article 4.- La frontière maritime entre la République de Guinée-Equatoriale et la République gabonaise sera constituée par une ligne droite parallèle au 1er degré de latitude nord, et partant du point d'intersection du thalweg de la rivière Mauni avec le segment de droite tirée de la pointe Cocobeach à la pointe Diaké.

Toutefois il est concédé à la République de Guinée-Equatoriale, autour des Iles ELOBEY et de l'Ile CORISCO, des portions d'eau dont les largeurs sont les suivantes :

Pour l'Ile CORISCO :

1,5 miles au nord
6 miles à l'ouest.
1,5 miles au sud c'est-à-dire entre CORISCO et MBAGNE
1,5 miles à l'est

Pour les Iles ELOBEY :

0,06 miles au nord d'Elobey chico
1,5 miles à l'ouest
0,30 miles à l'est
0,30 miles au sud d'Elobey grande.

Article 5.- Pour l'accès par mer à la rivière Mouni ainsi qu'aux Iles ELOBEY et CORISCO, les navires équato-guinéens jouiront, dans les eaux territoriales gabonaises, de toutes les facilités dont pourront bénéficier les navires gabonais. Il en sera de même, à titre de réciprocité, pour les navires gabonais dans les eaux territoriales équato-guinéennes.

La navigation et la pêche seront libres pour les ressortissants équato-guinéens et gabonais dans les rivières Mouni et Datcheboni.

La Police de la navigation et de la pêche dans des parages, dans les eaux territoriales équato-guinéennes et gabonaises aux abords

- 3 -

de l'entrée de la rivière Mauni ainsi que les autres questions relatives aux rapports entre frontaliers, les dispositions concernant l'éclairage, le balisage, l'aménagement et la jouissance des eaux feront l'objet d'arrangements concertés entre le Gouvernement de la République Gabonaise et le Gouvernement de la République de Guinée-Equatoriale.

à la
résulte
voulons

Article 6.- Les droits et avantages qui découlent l'article 1 de ~~présent traité~~ ~~stipulé~~ étant stipulés à raison du caractère commun au littoral des baies, embouchures, rivières et territoires susmentionnés, seront exclusivement réservés aux ressortissants des deux hautes parties contractantes et ne pourront en aucune façon être transmis ou cédés aux ressortissants d'autres nations.

Article 7.- Des protocoles d'accord seront pris, d'une part, pour déterminer les superficies et les limites exactes de la portion de terre cédée à la République gabonaise et de celle cédée à la République de Guinée-Equatoriale, et d'autre part, pour préciser les modalités d'application de la présente Convention.

Article 8.- La matérialisation des frontières sera faite par une équipe composée des représentants des deux pays, en nombre égal, avec au besoin la concurrence ou la participation de techniciens et observateurs de l'Organisation de l'Unité Africaine ou de tout autre organisme international, choisis d'un commun accord.

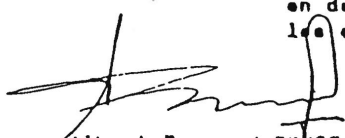
la présente
Convention

Article 9.- Les litiges nés de l'application ou de l'interprétation du ~~présent traité~~ seront soumis à une commission mixte paritaire, et, s'il y a lieu, réglés conformément à l'esprit de l'article 33 de la Charte de l'Organisation des Nations Unies.

Article 10.- La présente Convention entrera en vigueur dès sa signature.

Fait à Bata, le 12 Septembre 1974

en deux originaux, en langue française et espagnole,
les deux originaux faisant également foi.


Albert-Bernard BUNGO


Don Francisco Macías NGUEMA Bil

M.B. Les deux Chefs d'Etat conviennent de procéder ultérieurement à une nouvelle rédaction de l'article 4, afin de la mettre en conformité avec la Convention de 1900.-

Annex 216

The Republic of Equatorial Guinea and The Gabonese Republic, *Convention Delimiting the Land and Maritime Boundaries of Equatorial Guinea and Gabon* (12 September 1974) (Retyped Spanish-language version, as published in the UNTS)

TRANSLATION

Volume 2248, I-40037

[Spanish text]

CONVENTION**DELIMITING THE LAND AND MARITIME BOUNDARIES OF EQUATORIAL GUINEA AND GABON**

**THE PRESIDENT FOR LIFE OF THE REPUBLIC OF EQUATORIAL GUINEA
AND
THE PRESIDENT OF THE GABONESE REPUBLIC**

Considering that treaties and conventions are an important means of fostering peaceful cooperation between Nations, irrespective of their political regimes.

Reaffirming their faith in the purposes and principles set forth in the Charter of the United Nations, and in the Charter of the Organization of African Unity;

Desiring to lay firm foundations for peace between their two countries, notably by definitively establishing their common land and maritime boundaries;

Agreed as follows:

Article 1. Subject to the provisions of Article 2 below, the boundary between the Republic of Equatorial Guinea and the Gabonese Republic on the coast of the Gulf of Guinea shall begin at the point where the thalweg of the Muni River intersects a straight line traced from Cocobeach point to Dieke point. It shall then proceed along the thalweg of the Muni River and of the Utamboni River up to the first point at which the 1 degree north latitude crosses the latter river, and shall proceed along this parallel until it intersects the 9 degrees longitude east of Paris (11° 20' East of Greenwich).

From this latter point of intersection, the second demarcation between the two States shall coincide with the 9 degrees east of Paris meridian (11° 20' East of Greenwich) until it meets the southern border of the United Republic of Cameroon.

Article 2. The area of the Medunu district located in territory of Equatorial Guinea beyond the 1 degree north latitude is ceded to the Gabonese Republic and shall henceforth form an integral part of its territory.

In compensation, the Gabonese Republic cedes to the Republic of Equatorial Guinea the portion of land surrounding and including the towns of Ngong and Alén; and also, a one kilometer land area, one of whose peaks [*sic*] is the site called "cruce internacional" [international crossing]. These two portions of land, which shall have a total surface area equivalent to that ceded to the Gabonese Republic, shall henceforth be an integral part of the Republic of Equatorial Guinea.

Article 3. The High Contracting Parties recognize that Mbane Island is an integral part of the territory of the Gabonese Republic; and also, that the Elobey Islands and Corisco Island are integral parts of the territory of the Republic of Equatorial Guinea.

TRANSLATION

Volume 2248, I-40037

Article 4. The maritime boundary between the Republic of Equatorial Guinea and the Gabonese Republic shall be formed by a straight line parallel to the latitude 1 degree north, starting from the point where the thalweg of the Muni River intersects with a straight line traced from Cocobeach point to Dieke point.

However, the Republic of Equatorial Guinea is granted, around the Elobey Islands and Corisco Island, waters areas with the following dimensions:

For Corisco Island:

- 1.5 miles to the north.
- 6 miles to the west [sic].
- 1.5 miles to the south, meaning, between Corisco and Mbane.
- 1.5 miles to the east.

For the Elobey Islands:

- 0.06 miles to the north of Elobey Chico.
- 1.5 miles to the west [sic].
- 0.30 miles to the east.
- 0.30 miles to the south of Elobey Grande.

Article 5: For access by sea to the Muni River, as well as to the Elobey Islands and Corisco Island, Equatoguinean vessels shall enjoy, in Gabonese territorial waters, the same facilities that Gabonese vessels enjoy. The same shall apply, by way of reciprocity, for Gabonese vessels in territorial waters of Equatorial Guinea.

Navigation and fishing shall be unhindered for nationals of Equatorial Guinea and Gabon in the Muni and Utamboni rivers.

Policing of navigation and fishing in those areas in territorial waters of Equatorial Guinea and Gabon at the access points of the mouth of the Muni River, as well as other matters related to border relations, provisions regarding lighting, beaconing, and water management and use--shall be subject to joint arrangement between the Government of the Republic of Equatorial Guinea and the Government of the Gabonese Republic.

Article 6: The rights and privileges arising from Article 4 of this convention, provided for due to the common or adjacent nature above-mentioned bays, outlets, rivers and territories, shall be exclusively reserved for the nationals of the High Contracting Parties, and may not in any way be transferred or granted to nationals of other countries.

Article 7: Protocols shall be made, both to determine the surface area and exact limits of the land area ceded to the Gabonese Republic and that ceded to the Republic of Equatorial Guinea; and also, to specify the terms and conditions of the application of the present Convention.

Article 8: Materialization of the boundaries shall be done by a team composed of representatives of the both countries, in equal number. Or the aid or the participation, as necessary, of technicians and observers

TRANSLATION

Volume 2248, I-40037

from the Organisation of African Unity or any other international body, chosen by mutual agreement.

Article 9: Disputes arising out of the application or interpretation of this Convention shall be submitted to a joint commission and, if necessary, settled in accordance with Article 33 of the Charter of the United Nations.

Article 10: This Convention enters into force upon its signature.

Executed in Bata, September 12, 1974,
in two originals, in the French and Spanish languages,
both texts being equally authentic.

Albert-Bernard BONGO

Francisco Macias NGUEMA BIYOGO

N.B. The two heads of State agree to subsequently proceed with a new drafting of Article 4 in order to bring it into conformity with the 1900 Convention.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Eric Schwartz, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/26/21

Date



[SPANISH TEXT — TEXTE ESPAGNOL]

CONVENCION**DELIMITANDO LAS FRONTERAS TERRESTRES Y MARITIMAS DE LA GUINEA EQUATORIAL Y DEL GABON****EL PRESIDENTE VITALICIO DE LA REPUBLICA DE GUINEA ECUATORIAL,
Y
EL PRESIDENTE DE LA REPUBLICA GABONESA**

Considerando que los tratados y las convenciones constituyen un medio importante que permite desarrollar la cooperacion pacifica entre las naciones, sean cual fuesen los regimes politicos de éstos.

Proclamando de nuevo su fe dentro de los fines y principios enunciados en la Carta de la Organizacion de las Naciones Unidas, asi como los de la Organizacion de la Unidad Africana;

Deseosos de sentar las basas durables de paz entre sus dos Paises, especialmente estableciendo definitivamente sus fronteras terrestres y maritimas comunes ;

Han convenido lo que sigue:

Artículo 1. – A reserva de las disposiciones del articulo 2 siguiente, el limite entre la Republica de Guinea Ecuatorial y la Republica Gabonesa en la costa del golfo de guinea partira del punto de interseccion del thalweg del rio Muni con una linea recta trazada desde la punta Cocobeach a la punta Dieké. Esta remontara seguidamente al thalweg del rio Muni y el del rio Utomboni hasta el punto donde este ultimo rio es cortado por la primera vez por el paralelo 1 grado de latitud norte y se confundira con este paralelo hasta su interseccion con el 9 grado de longitud este de Paris (11° 20' Este de Greenwich).

Desde este ultimo punto de interseccion, la segunda demarcacion entre los dos Estados se confundira con el meridiano 9 grados este de Paris (11° 20' Este de Greenwich) hasta su encuentro con la frontera meridional de la Republica Unida del Cameroun.

Artículo 2. – La porcion del distrito de Medunu situada en territorio guineano, mas del paralelo 1 grado de latitud norte es cedida a la Republica Gabonesa y formara parte integrante del territorio de este en lo sucesivo.

En compensacion, la Republica Gabonesa cede a la Republica de Guinea Ecuatorial, por una parte, una porcion de tierra situada a rededor de las aglomeraciones de Ngong y Alén y que comprende las citadas aglomeraciones y, por otra parte, una porcion de tierra de un kilometro, una de cuyas cumbres es el lugar citado cruce internacional. Estas dos porciones de tierra que seran de una superficie total equivalente a la cedida a la Republica Gabonesa, seran en lo sucesivo parte integrante de la Republica de Guinea Ecuatorial.

Artículo 3. – Las altas partes contractantes, reconocen por una parte, que la isla Mbane forma parte integrante del territorio de la Republica Gabonesa, y por otra parte, que las islas Elobeyes y la isla de Corisco forman parte integrante del territorio de la Republica de Guinea Ecuatorial.

Artículo 4. – La frontera marítima entre la República de Guinea Ecuatorial y la República gabonesa será constituida para una línea recta paralela al primer grado de latitud norte trazada desde el punto de intersección del thalweg del río Muni con el segmento de rectas tracadas desde la punta Cocobeach a la punta Dieke.

No obstante, se concede a la República de Guinea Ecuatorial alrededor de las islas Elobeyes y de la isla de Corisco, porciones de aguas cuyas longitudes son las siguientes :

Para la isla de Corisco:

- 1,5 millas al norte.
- 6 millas al Coste.
- 1,5 millas al sur, es decir, entre Corisco y Mbane.
- 1,5 millas al este.

Para las islas Elobeyes:

- 0,06 millas al norte de Elobey Chico.
- 1,5 millas al coste.
- 0,30 millas al este.
- 0,30 millas al sur de Elobey Grande.

Artículo 5 : Para el acceso por mar al río Muni, así como las islas Elobeyes y Corisco, los navíos ecuatorio-gaboneses ganarán dentro de las aguas territoriales gaboneses de todas las facilidades de que podría beneficiarse los navíos gaboneses. Será igual a título de reciprocidad, para los navíos gaboneses dentro de las aguas territoriales ecuatorio-gabonesas.

La navegación y la pesca serán libres para los súbditos ecuatorio-gaboneses y gaboneses dentro de los ríos Muni y Utemboni.

La policía de navegación y de la pesca en esas parajes dentro de las aguas territoriales ecuatorio-gaboneses y gaboneses en los accesos de la entrada del río Muni, así como las demás cuestiones relativas a las relaciones entre fronteras, las disposiciones concernientes a la iluminación, al balisaje, al entretenimiento y al disfrute de las aguas serán objeto de arreglos concertados entre el Gobierno de la República de Guinea Ecuatorial y el Gobierno de la República gabonesa.

Artículo 6 : Los derechos y ventajas que se derivan del artículo 4 de la presente convención, habiendo sido estipulado en razón de carácter común o limítrofo de las bahías, de embocaduras, ríos y territorios antes mencionados, serán reservados exclusivamente a los súbditos de las altas partes contratantes y no podrán en ningún caso ser transmitidos o concedidos a los súbditos de otras naciones.

Artículo 7 : Los protocolos del acuerdo serán tomados por una parte, para determinar las superficies y los límites exactos de la porción de tierra cedida a la República Gabonesa y aquella cedida a la República de Guinea Ecuatorial, y, por otra parte para precisar las modalidades de aplicación de la presente Convención.

Artículo 8: La materialización de las fronteras será realizada con un equipo compuesto por representantes de los dos países en igual número. O si fuera necesario la ayuda o participación

de tecnicos y observadores de la Organizacion de la Unidad Africana, or cualquier otra Organizacion internacional.

Articulo 9 : Los litigios surgidos de la aplicacion o interpretacion de la presente Convencion, seran sometidos a una comision mixta paritaria y en su caso, resueltos de acuerdo al espiritu del articulo 33 de la Carta de la Organizacion de las Naciones Unidas.

Articulo 10: La presente Convencion entrera en vigor a partir de la fecha de su firma.

Hecho en Bata, el 12 de septiembre de 1974,
en dos originales, en idiomas frances y espanol,
siendo los dos iguales.

Albert-Bernard BONGO

Don Francisco Macias NGUEMA BIYOGO

N.B. Los dos jefes de Estado convienen de proceder ulteriormente a una nueva redaccion del articulo 4, para ponerla en conformidad con la Convencion de 1900.

Annex 217

The Republic of Equatorial Guinea and The Gabonese Republic, *Convention Delimiting the Land and Maritime Boundaries of Equatorial Guinea and Gabon* (12 September 1974)
(Spanish-language photocopy)

TRANSLATION

DELIMITING THE LAND AND MARITIME BOUNDARIES OF EQUATORIAL GUINEA AND GABON

THE PRESIDENT FOR LIFE OF THE REPUBLIC OF EQUATORIAL GUINEA AND THE PRESIDENT OF THE GABONESE REPUBLIC

Considering that treaties and conventions are an important means of fostering peaceful cooperation between Nations, irrespective of their political regimes.

Reaffirming their faith in the purposes and principles set forth in the Charter of the United Nations, and in the Charter of the Organization of African Unity;

Desiring to lay firm foundations for peace between their two countries, notably by definitively establishing their common land and maritime boundaries;

Agreed as follows:

Article 1. Subject to the provisions of Article 2 below, the boundary between the Republic of Equatorial Guinea and the Gabonese Republic on the coast of the Gulf of Guinea shall begin at the point where the thalweg of the Muni River intersects a straight line traced from Cocobeach point to Dieke point. It shall, then, proceed along the thalweg of the Muni River and of the Utamboni River up to the first point at which the 1 degree north latitude crosses the latter river, and shall proceed along this parallel until it intersects the 9 degrees longitude east of Paris (11° 20' East of Greenwich).

From this latter point of intersection, the second demarcation between the two States shall coincide with the 9 degrees east of Paris meridian (11° 20' East of Greenwich) until it meets the southern border of the United Republic of Cameroon.

Article 2. The area of the Medunu district located in territory of Equatorial Guinea beyond the 1 degree north latitude is ceded to the Gabonese Republic and shall henceforth form an integral part of its territory.

In compensation, the Gabonese Republic cedes to the Republic of Equatorial Guinea, the portion of land surrounding and including the towns of Ngong and Alén; and also a one kilometer land area, one of whose peaks [*sic*] the site called "cruce internacional" [international crossing]. These two portions of land, which shall have a total surface area equivalent to that ceded to the Gabonese Republic, shall henceforth be an integral part of the Republic of Equatorial Guinea.

Article 3. The High Contracting Parties recognize that Mbane Island is an integral part of the territory of the Gabonese Republic; and also, that the Elobey Islands and Corisco Island are an integral parts of the territory of the Republic of Equatorial Guinea.

Article 4. The maritime boundary between the Republic of Equatorial Guinea and the Gabonese Republic shall be formed by a straight line parallel to the latitude 1 degree north, starting from the point where the thalweg of the Muni River intersects with a straight line traced from Cocobeach point to Dieke point.

WATER STREET TRANSLATIONS

TRANSLATION

However, the Republic of Equatorial Guinea is granted, around the Elobey Islands and Corisco Island, water areas with the following dimensions:

For Corisco island:

- 1.5 miles to the north.
- 6 miles to the west.
- [illegible] miles to the south, meaning between Corisco and Mbane.
- 1.5 miles to the east.

For the Elobey Islands:

- [handwritten note]: 0.06 miles to the north of Elobey Chico.
 [illegible] 1.3 miles to the west.
 subsequently, 0.30 miles to the east.
 in accordance with the 1900 Convention 0.30 miles to the south of Elobey Grande.

Article 5: For access by sea to the Muni River, as well as to the Elobey Islands and Corisco Island, Equatoguinean vessels shall enjoy, in Gabonese territorial waters, the same facilities that Gabonese ships enjoy. The same shall apply, by way of reciprocity, for Gabonese vessels in territorial waters of Equatorial Guinea.

Navigation and fishing shall be unhindered for nationals of Equatorial Guinea and Gabon in the Muni and Utamboni rivers.

Policing of navigation and fishing in those areas in territorial waters of Equatorial Guinea and Gabon at the access points of the mouth of the Muni River, as well as other matters related to border relations, provisions concerning lighting, beaconing, water management and use—shall be subject to joint arrangement between the Government of the Republic of Equatorial Guinea and the Government of the Gabonese Republic.

Article 6: The rights and privileges arising from Article 4 of this convention, provided for due to the common or adjacent nature of the above-mentioned bays, outlets, rivers and territories, shall be exclusively reserved for the nationals of the High Contracting Parties, and may not in any way be transferred or granted to nationals of other countries.

Article 7: Protocols shall be made, both to determine the surface area and exact limits of the land area ceded to the Gabonese Republic and that ceded to the Republic of Equatorial Guinea; and also, to specify the terms and conditions of the application of the present Convention.

Article 8: Materialization of the boundaries shall be done by a team composed of representatives of the both countries, in equal number, with the aid or the participation, as necessary, of technicians and observers from the Organization of African Unity or any other international body.

Article 9: Disputes arising out of the application or interpretation of this Convention shall be submitted to a joint commission and, if necessary, settled in accordance with Article 33 of the Charter of the United Nations.

Article 10: The present Convention enters into force upon its signature.

Executed in Bata, September 12, 1974,
 in two originals, in French and Spanish, both texts being equally authentic.

[signature]

[signature]



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Eric Schwartz, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/26/21

Date



**DELIMITANDO LAS FRONTERAS TERRESTRES Y MARITIMAS
DE LA GUINEA ECUATORIAL Y DEL GABÓN**

EL PRESIDENTE VITALICIO DE LA REPUBLICA DE GUINEA ECUATORIAL,
Y
EL PRESIDENTE DE LA REPUBLICA GABONESA

Considerando que los tratados y las convenciones constituyen un medio importante que permite desarrollar la cooperación pacífica entre las naciones, sean cual fuesen los regímenes políticos de éstas.

Proclamando de nuevo su fe dentro de los fines y principios enunciados en la Carta de la Organización de las Naciones Unidas, así como los de la Organización de la Unidad Africana;

Desearios de sentar las bases durables de paz entre sus dos Países, especialmente estableciendo definitivamente sus fronteras terrestres y marítimas comunes;

Han convenido lo que sigue:

Artículo 1.- A reserva de las disposiciones del artículo 2 siguiente, el límite entre la República de Guinea Ecuatorial y la República Gabonesa en la costa del golfo de Guinea partirá del punto de intersección del thalweg del río Muni con una línea recta trazada desde la punta Cocoboch a la punta Dieké. Esta remontará seguidamente el thalweg del río Muni y el del río Utamboni hasta el punto donde este último río es cortado por la primera vez por el paralelo 1 grado de latitud norte y se confundirá con este paralelo hasta su intersección con el 9 grado de longitud este de Paris (11° 20' Este de Greenwich).

Desde este último punto de intersección, la segunda demarcación entre los dos Estados se confundirá con el meridiano 9 grados este de Paris (11° 20' Este de Greenwich) hasta su encuentro con la frontera meridional de la República Unida del Cameroun.

Artículo 2.- La porción del distrito de Medumu situada en territorio guineano, más allá del paralelo 1 grado de latitud norte es cedida a la República Gabonesa y formará parte integrante del territorio de ésta en lo sucesivo.

En compensación, la República Gabonesa cede a la República de Guinea Ecuatorial, por una parte, una porción de tierra situada alrededor de las aglomeraciones de Ngong y Alón y que comprende las citadas aglomeraciones y, por otra parte, una porción de tierra de un kilómetro, una de cuyas cumbres es el lugar citado cruce internacional. Estas dos porciones de tierra que serán de una superficie total equivalente a la cedida a la República Gabonesa, serán en lo sucesivo parte integrante de la República de Guinea Ecuatorial.

Artículo 3.- Las altas partes contratantes, reconocen por una parte, que la isla Mbaño forma parte integrante del territorio de la República Gabonesa, y por otra parte, que las islas Eloboyos y la isla de Corisco forman parte integrante del territorio de la República de Guinea Ecuatorial.

Artículo 4.- La frontera marítima entre la República de Guinea Ecuatorial y la República Gabonesa, estará constituida por una línea recta paralela al 1 grado de latitud norte, y partiendo del

punto de intersección del thalweg del río Mami con el segmento de rectas trazadas desde la punta Goussouba a la punta Dicko.

No obstante, se concede a la República de Guinea Ecuatorial, alrededor de las islas Elboyes y de la isla de Coriseo, porciones de aguas cuyas longitudes son las siguientes:

Para la isla de Coriseo:

- 1,5 millas al norte.
- 6 millas al Oeste.
- 1 1/2 millas al sur, es decir, entre Coriseo y Mbafo.
- 1 1/2 millas al este.

Para las islas Elboyes:

- 0,66 millas al norte de Elboey Chico.
- 1 1/2 millas al oeste.
- 0,30 millas al este.
- 0,30 millas al sur de Elboey Grande.

Artículo 5.- Para el acceso por mar al río Mami, así como las islas Elboyes y Coriseo, los navíos ecuatoguineanos gozarán dentro de las aguas territoriales Gabonenses de todas las facilidades de que podrán beneficiarse los navíos Gabonenses. Será igual a título de reciprocidad, para los navíos Gabonenses dentro de las aguas territoriales Ecuato-guineanas.

La navegación y la pesca serán libres para los súbditos Ecuato-guineanos y Gabonenses dentro de los ríos Mami y Utsambani.

La policía de navegación y de la pesca en esos parajes dentro de las aguas territoriales ecuatoguineanas y gabonenses en los accesos de la entrada del río Mami, así como las demás cuestiones relativas a las relaciones entre fronteras, las disposiciones concernientes a la iluminación, al balizaje, al entretornamiento y al disfrute de las aguas serán objeto de arreglos concertados entre el Gobierno de la República de Guinea Ecuatorial y el Gobierno de la República Gabonesa.

Artículo 6.- Los derechos y ventajas que se derivan del artículo 4 de la presente convención, habiendo sido estipulado en razón de carácter común o limitrofe de las bahías, desembocaduras, ríos y territorios antes mencionados, serán reservados exclusivamente a los súbditos de las altas partes contratantes y no podrán en ningún caso ser transmitidos y concedidos a los súbditos de otras naciones.

Artículo 7.- Los protocolos del acuerdo serán tocados por una parte, para determinar las superficies y los límites exactos de la porción de tierra cedida a la República Gabonesa y aquella cedida a la República de Guinea Ecuatorial, y, por otra parte, para precisar las modalidades de aplicación de la presente Convención.

Artículo 8.- La materialización de las fronteras será realizada por un equipo compuesto por representantes de los dos Países en igual número con, si fuera necesario, la ayuda o participación de técnicos y observadores de la Organización de la Unidad Africana o cualquier otra Organización internacional.

Artículo 9.- Los litigios surgidos de la aplicación o interpretación de la presente Convención, serán sometidos a una Comisión mixta paritaria, y en su caso, resueltos de acuerdo al espíritu del artículo 33 de la Carta de la Organización de las Naciones Unidas.

Artículo 10.- La presente Convención entrará en vigor a partir de la fecha de su firma.

Hecho en Bata, el 12 de septiembre de 1974, en dos originales en idiomas francés y español, siendo los dos iguales.

[Handwritten signature]

[Handwritten signature]

segundo el instrumento, conforme la Convención de 1960.

Annex 218

Republic of Equatorial Guinea, *Objection to the Authenticity of the Convention Before the United Nations*, on the “Convention Demarcating the Land and Maritime Frontiers of Equatorial Guinea and Gabon, Bata, 12 September 1974” (18 March 2004)

No. 40037. Gabon and Equatorial Guinea

CONVENTION DEMARCATING THE LAND AND MARITIME FRONTIERS OF EQUATORIAL GUINEA AND GABON. BATA, 12 SEPTEMBER 1974¹

OBJECTION TO THE AUTHENTICITY OF THE CONVENTION

Equatorial Guinea

Receipt of notification by: 18 March 2004

Registration with the Secretariat of the United Nations: Equatorial Guinea, 18 March 2004

No. 40037. Gabon et Guinée équatoriale

CONVENTION DÉLIMITANT LES FRONTIÈRES TERRESTRES ET MARITIMES DE LA GUINÉE ÉQUATORIALE ET DU GABON. BATA, 12 SEPTEMBRE 1974¹

OBJECTION RELATIVE À L'AUTHENTICITÉ DE LA CONVENTION

Guinée équatoriale

Réception de la notification par : 18 mars 2004

Enregistrement auprès du Secrétariat des Nations Unies : Guinée équatoriale, 18 mars 2004

1. United Nations, Treaty Series Vol. 2248, I-40037 — Nations Unies, Recueil des Traités Vol. 2248, I-40037

Annex 219

Republic of Equatorial Guinea, *Second Objection Before the United Nations*, on the “Convention Demarcating the Land and Maritime Frontiers of Equatorial Guinea and Gabon, Bata, 12 September 1974” (7 April 2004)

No. 40037. Gabon and Equatorial Guinea

CONVENTION DEMARCATING THE LAND AND MARITIME FRONTIERS OF EQUATORIAL GUINEA AND GABON. BATA, 12 SEPTEMBER 1974¹

SECOND OBJECTION

Equatorial Guinea

Notification effected with: 7 April 2004

Registration with the Secretariat of the United Nations: Equatorial Guinea, 3 May 2004

No. 40037. Gabon et Guinée équatoriale

CONVENTION DÉLIMITANT LES FRONTIÈRES TERRESTRES ET MARITIMES DE LA GUINÉE ÉQUATORIALE ET DU GABON. BATA, 12 SEPTEMBRE 1974¹

DEUXIÈME OBJECTION

Guinée équatoriale

Notification effectuée auprès : 7 avril 2004

Enregistrement auprès du Secrétariat des Nations Unies : Guinée équatoriale, 3 mai 2004

1. United Nations, *Treaty Series*, vol. 2248, No. I-40037 — Nations Unies, *Recueil des Traités*, vol. 2248, no I-40037.

[SPANISH TEXT — TEXTE ESPAGNOL]

REPUBLICA DE GUINEA ECUATORIALMinisterio de Asuntos Exteriores, Cooperación
Internacional y Francofonia

-----Φ-----

El Ministro

7 de Abril de 2004

Sr. D. Ralph Zacklin
Subsecretario General encargado
De la Oficina de Asuntos Jurídicos
Naciones Unidas, Nueva York

Estimado Sr. Subsecretario General;

Tengo el honor de referirme a la carta del pasado 22 de marzo que envió a nuestro Embajador y Representante Permanente ante las Naciones Unidas, la cual informa a nuestro Gobierno del registro de un documento que el Gobierno de Gabón ha presentado al Secretario, alegando que es un tratado entre Guinea Ecuatorial y Gabón firmado el 12 de septiembre de 1974.

Notamos la afirmación en su carta en el sentido de que el registro del documento por las Naciones Unidas no añade ni sustrae la legalidad ni el valor del documento. Guinea Ecuatorial afirma que el documento de Gabón siempre ha carecido de legalidad y valor y nada ha cambiado en dicha afirmación.

Consideramos, además, que el registro del documento de Gabón es impropio e indebido puesto que no existe ningún tratado entre Guinea Ecuatorial y Gabón del 12 de septiembre de 1974, ni de ninguna otra fecha, respecto a las fronteras terrestres y marítimas, y puesto que Gabón ha actuado deshonoradamente a la hora de solicitar el registro de su documento. La inexistencia de un tratado del tipo que alega Gabón es evidente. Lo único que presenta Gabón son fotocopias de fotocopias, ilegibles en partes e incompletas. Gabón admite que no tiene ningún original, ni ningún documento bilateral que dé constancia de la firma de ningún acuerdo. Esto se explica fácilmente: no hay documento auténtico puesto que nunca se firmó ningún tratado.

Gabón alega que el documento fue suscrito en una reunión de los Jefes de Estado el 12 de septiembre de 1974, pero tenemos en nuestra posesión documentos que demuestran claramente que no se firmó ningún acuerdo durante

aquel encuentro; tampoco se firmó acuerdo alguno sobre fronteras en ningún otro momento.

La historia bilateral de este asunto confirma este hecho sin lugar a dudas. Desde 1974, e incluso antes, los dos Estados han estado negociando continuamente para llegar a un acuerdo respecto a sus controversias de soberanía y fronteras y han mantenido un gran número de reuniones a este fin. Gabón jamás mencionó ningún acuerdo en todos estos años. Incluso llegó a entendimientos sobre los documentos jurídicos relevantes a las fronteras que servirían como base de las negociaciones, sin aludir a ningún documento de 1974. En todos los aspectos de sus relaciones internacionales, y en su ordenamiento interno, Gabón siempre se comportó como si no existiera ningún tratado por que, de hecho, no existe.

No obstante, de repente, en mayo del año pasado, Gabón presentó una fotocopia, poco legible, que alegó ser un tratado firmado el 12 de septiembre de 1974. Gabón alegó que el documento que presentaba había solucionado hace casi 30 años todos los temas de fronteras y soberanía de la forma más favorable posible a Gabón. Tal maniobra cogió a Guinea Ecuatorial completamente por sorpresa, puesto que no tenía conocimiento de tal documento y llevaba negociando durante décadas de buena fe para lograr un acuerdo sobre sus fronteras con Gabón. Gabón no supo explicar por qué continuaba negociando con Guinea Ecuatorial durante tantos años después de la supuesta firma de este documento. Para Guinea Ecuatorial la explicación es obvia, Guinea Ecuatorial jamás ha concluido un acuerdo del tipo que alega Gabón.

No es fácil entender, en todo caso, por qué Gabón insiste tanto sobre estas fotocopias, puesto que, a parte de no ser auténticas y carecer de valor jurídico, el texto de las mismas no es ni siquiera el texto de un tratado vinculante. El documento presentado por Gabón, según sus propios términos, es un documento de carácter preliminar supeditado a negociaciones adicionales. Un principio bien establecido del derecho general es que un documento que indica la falta de acuerdo sobre un elemento esencial del trato no es un contrato vinculante, sino que expresa el entendimiento de que las partes intentarán celebrar un acuerdo más adelante. Este principio se aplica claramente al documento alegado por Gabón. La nota final del texto en francés deja muy claro que las partes no habían resuelto sus diferencias sobre todos los elementos esenciales del acuerdo. La nota dice textualmente.

«N.B. Les deux Chefs d'Etat conviennent du procéder ultérieurement à une nouvelle rédaction de l'article 4, afin de la mettre en conformité avec la Convention de 1900 ».

El artículo 4 es el que hubiera delimitado la frontera marítima. Por lo tanto, el texto mismo indica la falta de acuerdo sobre la cuestión principal de la frontera marítima. O se puede decir que se haya alcanzado un acuerdo cuando uno de los elementos fundamentales del mismo queda sujeto a futuras negociaciones.

El registro del documento es también improcedente por falta de bona Fides de Gabón a la hora de someterlo para su registro. Inicialmente, Gabón presentó unas fotocopias al Secretariado y su Ministro de Asuntos Exteriores certificó que dichas fotocopias eran fieles copias de los originales. Pero no existen originales y Gabón nunca informó al Secretariado de que no dispone de otra cosa que no sean las fotocopias entregadas. Cuando el Secretariado rechazó dichas fotocopias por no ser legibles y por no ser iguales los textos en Francés y Español, Gabón preparó y envió al Secretariado nuevos documentos, esta vez mecanografiados. Suponemos que de nuevo certificó que los documentos mecanografiados que sometió eran copias fieles de originales que no existen, pero no acaban allí las manipulaciones. Donde hay diferencias en el texto de la fotocopia en español respecto de la fotocopia en francés, Gabón modificó el texto mecanografiado en español e incluso añadió texto que no aparece en la fotocopia para que la copia mecanografiada en español resultara igual que el texto en francés.

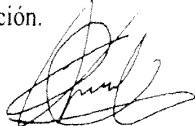
Además, cuando el Ministro de Asuntos Exteriores de Gabón sometió los documentos para el registro, certificó que Guinea Ecuatorial nunca había formulado ninguna objeción respecto al documento que registraba. Esto es obviamente falso. Desde el momento que Guinea Ecuatorial vio este documento por primera vez en mayo de 2003, hemos expresado repetidamente en términos claros y contundentes nuestras objeciones al mismo.

Con todo esto Gabón ha vuelto a poner de relieve la falta de autenticidad y mala fe que siempre ha rodeado el documento inválido que quiere utilizar para privar a Guinea Ecuatorial de su territorio soberano. Rechazamos todos sus intentos de fabricar un tratado que jamás ha existido.

Volume 2261, A-40037

En base de estas razones, Guinea Ecuatorial considera que el registro de este documento, que no es de ninguna forma un tratado entre Guinea Ecuatorial y Gabón, fue improcedente. Solicitamos que esta carta se registre como un documento asociado al documento registrado por Gabón.

Dígnese aceptar Señor Subsecretario General, la expresión de mi más alta consideración.



Pastor **MICHA ONDO BILE**
*Ministro de Asuntos Exteriores,
Cooperación Internacional y
Francofonía.*

MALABO.

[TRANSLATION — TRADUCTION]

REPUBLIC OF EQUATORIAL GUINEA
Ministry of Foreign Affairs,
International Cooperation and Francophony

The Minister

7 April 2004

Sir,

I have the honour to refer to the letter of 22 March last which you sent to our Ambassador and Permanent Representative to the United Nations, informing our Government of the registration of a document which the Government of Gabon had submitted to the Secretariat, alleging that it is a Convention between Equatorial Guinea and Gabon signed on 12 September 1974.

We note the statement in your letter that the registration of the document by the United Nations does not add to or detract from the legality or value of the document. Equatorial Guinea states that the document from Gabon has always lacked legality and value, and its position has not changed.

We consider furthermore that the registration of the Gabonese document is inadmissible and improper since no Convention exists between Equatorial Guinea and Gabon of 12 September 1974, or of any other date, concerning the land and maritime borders, and since Gabon acted in bad faith when it requested the registration of this document. It is clear that there is no Convention of the type Gabon is claiming. All that Gabon has submitted are photocopies of photocopies, partly illegible and incomplete. Gabon admits that it does not have an original or any bilateral document that attests to the signing of any sort of agreement. This can be easily explained: there is no authentic document since no Convention was ever signed.

Gabon alleges that the document was signed at a meeting of Heads of State on 12 September 1974, but we have in our possession documents that clearly show that no agreement was signed during that meeting; nor was an agreement on borders signed at any other time.

The bilateral history of this matter confirms this fact without any doubt. Since 1974, and even earlier, the two States have been conducting ongoing negotiations to reach agreement concerning their disputes over sovereignty and borders and have held many meetings for this purpose. Gabon never mentioned any agreement over the course of all those years. It even reached understandings on the legal documents relating to the borders which would serve as a basis for negotiations without alluding to any document of 1974. In all aspects of its international relations and in its domestic law Gabon has always behaved as if no such agreement existed, because in fact, there is none.

Nevertheless, suddenly, in May of last year, Gabon submitted a barely legible photocopy that it alleged to be a Convention signed on 12 September 1974. Gabon maintained that the document it submitted had settled all the issues concerning borders and sovereignty almost 30 years earlier in the way most favourable to Gabon. That manoeuvre took Equatorial

torial Guinea completely by surprise, since it had no knowledge of such a document and had been continuing to negotiate in good faith for decades to reach an agreement on its borders with Gabon. Gabon was not able to explain why it had continued negotiating with Equatorial Guinea for so many years after this document was supposedly signed. To Equatorial Guinea the explanation is obvious: Equatorial Guinea has never concluded an agreement of the type Gabon alleges.

In any case, it is not easy to understand why Gabon places such emphasis on these photocopies, since, besides the fact that they are not authentic and have no legal value, their text is not even the text of a binding agreement. The document submitted by Gabon, in its own words, is a preliminary document subject to additional negotiations. It is a well-established principle of general law that a document that indicates a lack of agreement on an essential element being addressed is not a binding contract, but expresses the understanding that the parties intend to conclude an agreement in the future. This principle clearly applies to the alleged Gabonese document. The final note in the French text makes it very clear that the parties had not resolved their differences on all the essential elements of the agreement. The note reads:

“N.B. Both Heads of State agree to proceed later to a new drafting of Article 4 in order to conform to the Convention of 1900.”

It is Article 4 which would have delimited the maritime border, but the text itself indicates the absence of agreement on that key issue. How is it possible to say that an agreement has been reached if a fundamental component of it is subject to future negotiation?

Another argument against registration of the document is Gabon's lack of good faith in submitting it for registration. Originally, Gabon had submitted to the Secretariat photocopies certified by the Gabonese Ministry of Foreign Affairs as being true copies of the originals. However, no originals exist, and Gabon never informed the Secretariat that it had anything in its possession beyond the photocopies it had supplied. When the Secretariat rejected those photocopies because they were illegible and because the French and Spanish texts did not match, Gabon prepared and sent to the Secretariat new, typed texts. We assume that it once again certified that those typed documents were true copies of the non-existent originals, but the manipulation did not stop there. Where the Spanish-language photocopy and the French-language photocopy differed, Gabon changed the Spanish-language typed text, even adding words which had not been in the photocopy, to make it match the French-language text.

What is more, when the Gabonese Ministry of Foreign Affairs submitted the document for registration, it certified that Equatorial Guinea had never objected to it in any way. This is clearly untrue. From the moment it had first seen the document, in May 2003, Equatorial Guinea had in fact repeatedly, clearly and unambiguously stated its objections to it.

All this shows that Gabon has again demonstrated the absence of authenticity and the bad faith that has always surrounded the invalid document which it is trying to use to deprive Equatorial Guinea of its sovereign territory. We reject all its efforts to fabricate a treaty which has never existed.

For the reasons described above, Equatorial Guinea considers that this document, which is in no way a treaty between Equatorial Guinea and Gabon, should never have been

registered. We ask that this letter be registered as a document connected with the document which Gabon registered.

Accept, Sir, the assurances of my highest consideration.

PASTOR MICHA ONDO BILE
Minister of Foreign Affairs, International
Cooperation and Francophony
Malabo

Mr. Ralph Zacklin
Assistant Secretary-General
in charge of the Office of Legal Affairs
United Nations
New York

Le 7 avril 2004

RÉPUBLIQUE DE GUINÉE ÉQUATORIALE
Ministère des affaires étrangères
de la coopération et de la francophonie

Le Ministre

Monsieur le Sous-Secrétaire général,

J'ai l'honneur de me référer à la lettre datée du 22 mars dernier que vous avez adressée à l'Ambassadeur et Représentant permanent de la Guinée équatoriale auprès de l'Organisation des Nations Unies, par laquelle vous informiez mon Gouvernement de l'enregistrement d'un document que le Gouvernement gabonais a présenté au Secrétariat en alléguant qu'il s'agissait là d'une convention entre la Guinée équatoriale et le Gabon, signée le 12 septembre 1974.

Nous notons dans votre lettre l'affirmation selon laquelle l'enregistrement d'un document par l'Organisation des Nations Unies n'ajoute ni n'enlève rien à la légalité ou à la valeur dudit document. La Guinée équatoriale affirme que le document présenté par le Gabon n'a jamais eu aucune légalité ni aucune valeur, et sa position demeure inchangée.

Nous considérons par ailleurs que l'enregistrement du document du Gabon est impertinent et indu étant donné qu'il n'existe entre la Guinée équatoriale et le Gabon aucune convention en date du 12 septembre 1974, ni d'aucune autre date, concernant les frontières terrestres et maritimes, et étant donné aussi que le Gabon a agi de manière honteuse au moment de la demande d'enregistrement de son document. Il est évident qu'il n'existe aucune convention de la nature de celle invoquée par le Gabon. Le Gabon a seulement présenté des photocopies, partiellement illisibles et incomplètes. Le Gabon reconnaît ne détenir aucun original, ni aucun document bilatéral apportant la preuve de la signature de quelque accord que ce soit. L'explication est simple : il n'existe aucun document authentique étant donné qu'aucune convention n'a jamais été signée.

Le Gabon allègue que le document a été signé à l'occasion d'une réunion des chefs d'Etat tenue le 12 septembre 1974, mais nous avons en notre possession des documents qui montrent clairement qu'aucun accord n'a été signé lors de cette réunion; aucun accord relatif aux frontières n'a non plus été signé à un quelconque autre moment.

L'histoire bilatérale de cette affaire confirme indéniablement ce fait. Depuis 1974, et même avant cette date, la Guinée équatoriale et le Gabon tiennent des négociations en vue de parvenir à un accord pour régler les différends liés à leur souveraineté et à leurs frontières, et les deux Etats se sont réunis à de très nombreuses reprises à cette fin. Durant toutes ces années, jamais le Gabon n'a mentionné aucun accord. Il était même parvenu à des ententes quant aux instruments juridiques concernant les frontières qui devaient servir de base aux négociations, sans évoquer aucun document daté de 1974. Tant dans ses relations internationales qu'au regard de son droit interne, le Gabon s'est toujours comporté, à tous égards, comme s'il n'existait aucun accord, car, dans la réalité, il n'en existe aucun.

Pourtant, au mois de mai de l'année dernière, le Gabon a brusquement présenté une photocopie à peine lisible en prétendant qu'il s'agissait d'une convention signée le 12 septembre 1974. Le Gabon a allégué que le document qu'il présentait avait apporté, près de 30 ans auparavant, à toutes les questions touchant à la souveraineté et aux frontières la solution la plus favorable possible au Gabon. Cette manoeuvre a surpris au plus haut point la Guinée équatoriale, qui n'avait nullement connaissance de l'existence d'un tel document et a continué de négocier durant des décennies, en toute bonne foi, pour parvenir à un accord sur ses frontières avec le Gabon. Le Gabon n'a pas été en mesure d'expliquer pourquoi il avait continué à négocier avec la Guinée équatoriale tant d'années durant après la prétendue signature de ce document. Pour la Guinée équatoriale, l'explication est évidente la Guinée équatoriale n'a jamais conclu aucun accord de la nature de celui dont le Gabon allègue l'existence.

Quoi qu'il en soit, il est difficile de comprendre pourquoi le Gabon attache tant d'importance à ces photocopies, étant donné que, outre le fait qu'elles ne sont pas authentiques et n'ont pas de valeur juridique, le texte qu'elles contiennent n'est même pas le texte d'un accord contraignant. Le document présenté par le Gabon, selon les termes mêmes qui y sont employés, est un document à caractère préliminaire soumis à des négociations supplémentaires. Il est un principe bien établi en droit général selon lequel un document indiquant l'absence d'accord sur un élément essentiel du traité ne constitue pas un contrat contraignant, mais exprime une entente entre les parties en vue de tenter de conclure un accord ultérieurement. Ce principe s'applique clairement au document dont se prévaut le Gabon. La note finale figurant dans la version française indique très clairement que les parties n'ont pas réglé leurs différends sur tous les éléments essentiels de l'accord. Cette note se lit ainsi

“NB. Les deux Chefs d'Etat conviennent de procéder ultérieurement à une nouvelle rédaction de l'article 4, afin de la mettre en conformité avec la Convention de 1900.”

L'article 4 est l'article aux termes duquel aurait été délimitée la frontière maritime. Ainsi, le texte lui-même indique l'absence d'accord sur la question essentielle de la frontière maritime. Comment peut-on dire que l'on est parvenu à un accord si l'un des éléments fondamentaux de cet accord demeure soumis à des négociations ultérieures?

L'enregistrement du document est indu en raison aussi du manque de bonne foi du Gabon au moment de le présenter en vue de son enregistrement. A l'origine, le Gabon a adressé quelques photocopies au Secrétariat et son Ministre des affaires étrangères a certifié que ces photocopies étaient les copies conformes des originaux. Mais il n'existe pas d'originaux et le Gabon n'a jamais informé le Secrétariat qu'il ne disposait de rien d'autre que desdites photocopies qu'il lui avait adressées. Lorsque le Secrétariat a refusé ces photocopies au motif qu'elles étaient illisibles et que les textes en français et en espagnol ne correspondaient pas, le Gabon a établi et adressé au Secrétariat de nouveaux documents, cette fois dactylographiés. Nous supposons que le Gabon a de nouveau certifié que ces documents dactylographiés étaient la copie conforme d'originaux qui n'existent pas, mais ses manipulations ne s'arrêtent pas là. Lorsqu'il existait des différences entre la version espagnole du texte photocopié et la version française, le Gabon a modifié le texte dactylographié en espagnol et a même ajouté des morceaux de textes qui n'apparaissaient pas dans la photocopie afin que le texte dactylographié en espagnol soit identique au texte en français.

En outre, lorsque le Ministre des affaires étrangères du Gabon a soumis les documents en vue de leur enregistrement, il a certifié que la Guinée équatoriale n'avait jamais formulé aucune objection au sujet du document à enregistrer. Cela est de toute évidence faux depuis que nous avons vu ce document, en mai 2003, nous avons exprimé à plusieurs reprises, clairement et catégoriquement, nos objections à son sujet.

Il ressort de ce qui précède que le Gabon a une nouvelle fois mis en évidence l'absence d'authenticité et la mauvaise foi qui ont toujours entouré le document non recevable qu'il veut utiliser pour priver la Guinée équatoriale du territoire relevant de sa souveraineté. Nous rejetons tous les efforts du Gabon pour fabriquer un traité qui n'a jamais existé.

Pour les raisons énumérées plus haut, la Guinée équatoriale considère que ce document, qui n'est en aucune manière un traité entre la Guinée équatoriale et le Gabon, n'aurait jamais dû être enregistré. Nous demandons que cette lettre soit enregistrée en tant que document lié à celui que le Gabon a fait enregistrer.

Veillez croire, Monsieur le Sous-Secrétaire général, aux assurances de ma très haute considération.

Le Ministre des affaires étrangères,
de la coopération internationale
et de la francophonie,
PASTOR MICHA ONDO BILE
Malabo

Monsieur Ralph Zacklin
Sous-Secrétaire général aux affaires juridiques
Organisation des Nations Unies
New York

Annex 220

Royal Geographical Society, “Legislation and provisions of the Central Administration”,
MAGAZINE OF COLONIAL AND MERCANTILE GEOGRAPHY, Spain (1906)

TRANSLATION

COLLECTION OF SPANISH LEGISLATION

SERIES ONE

PART ONE

LEGISLATION

PROVISIONS OF THE CENTRAL ADMINISTRATION

INCLUDES:

**Laws, Codes, Decrees, Regulations, Instructions
Royal Orders, Circulars and Resolutions
of general interest**

OFFICIAL EDITION

VOLUME XXVII

VOLUME 4 OF 1906

OCTOBER – DECEMBER

**MADRID
LEGISLATION REVIEW PRESS
Ronda de Atocha, 15, centro
1906**

WATER STREET TRANSLATIONS

TRANSLATION

DECEMBER 1906

505

Statement A

BUDGET OF EXPENDITURES in the Spanish possessions of
West Africa for Fiscal Year 1907.

Chapter....	Article	DESIGNATION OF EXPENDITURES	BUDGETED CREDITS	
			Per article	Per chapter
			Pesetas	Pesetas
.....				
Central Administration				
SECTION ONE				
COLONIAL SECTION				
IN THE MINISTRY OF STATE				
Personnel				
1	1	Diplomatic or Consular Corps.....	36,000	
	2	Administrative Corps	15,000	
	3	Permanent commission of the Ministry of State.....	15,000	
				66,000
Material				
2	1	Miscellaneous expenditures	51,000	
	2	Obligations not determined in the budget	50,000	
	3	Preparation of tax stamps and documents	5,000	
	4	Purchase of medicines for hospitals and infirmaries in the Colonies	5,000	
	5	Inter-island communications service	250,000	
	6	Official travel, transportation and freight .	71,500	
				432,500

WATER STREET TRANSLATIONS

TRANSLATION

506

LEGISLATION

Chapter....	Article....	DESIGNATION OF EXPENDITURES	BUDGETED CREDITS	
			Per article	Per chapter
			P	
			Pesetas	Pesetas
Administration of the Colonies				
SECTION TWO				
GOVERNMENT				
Personnel				
1	1	Governor General	32,000	
	2	Office of the Secretary of the General Government.....	38,600	
	3	Office of Native Guardianship [<i>Curaduria colonial</i>]	18,000	
	4	Office of the Deputy Governor of Bata	25,250	
	5	Office of the Deputy Governor of Elobey	39,960	
	6	Delegation of the General Government in San Carlos.....	14,600	
	7	Delegation of the General Government in Annobón	8,100	
	8	Delegation of the General Government in Asobia.....	8,100	
	9	Health service.....	151,580	
	10	Postal service	33,260	
	11	Police service	110,855	480,305
Material				
2	1	Office of the General Government	16,000	
	2	Office of the Secretary of the General Government.....	2,500	
	3	Office of Native Guardianship [<i>Curaduria colonial</i>]	600	
	4	Office of the Deputy Governor of Bata	2,250	
	5	Office of the Deputy Governor of Elobey	9,615	
	6	Delegation of the General Government in San Carlos.....	250	
	7	Delegation of the General Government in Annobón	125	
	8	Delegation of the General Government in Asobia.....	125	
	9	Health service.....	55,858.75	
	10	Postal service	2,740	
	11	Police service	38,720	128,783.75

WATER STREET TRANSLATIONS

TRANSLATION

DECEMBER, 1906

507

Chapter....	Article....	DESIGNATION OF EXPENDITURES	BUDGETED CREDITS	
			Per article	Per chapter
			P	P
			Pesetas	Pesetas
SECTION THREE				
ARMY AND NAVY				
Personnel				
1	1	Military service	229,000	
	2	Naval service	69,170	298,170
Material				
2	1	Military service	101,455	
	2	Naval service	17,315	118,770
SECTION FOUR				
GRACE AND JUSTICE				
Personnel				
1	1	Administration of justice	19,950	
	2	Missions of the Fathers of the Immaculate Heart of Mary.....	51,000	70,950
Material				
2	1	Administration of justice	4,900	
	2	Missions of the Fathers of the Immaculate Heart of Mary.....	11,000	15,900
SECTION FIVE				
PUBLIC INSTRUCTION				
Personnel				
1	1	Official primary education	20,000	
	2	Girls' schools run by women's religious orders	28,000	
	3	School of agriculture and manual trades.....	18,500	66,500

WATER STREET TRANSLATIONS

TRANSLATION

508

LEGISLATION

Chapter....	Article....	DESIGNATION OF EXPENDITURES	BUDGETED CREDITS	
			Per article	Per chapter
			P	
			Pesetas	Pesetas
Material				
2		1 Official primary education.....	6,000	
		2 Schools run by missionary fathers.....	15,000	
		3 Schools run by women's religious orders	5,500	
		4 School of agriculture and manual trades	5,000	
				31,500
SECTION SIX				
PUBLIC WORKS AND COLONIZATION				
Personnel				
1		1 Public Works	46,100	
		2 Colonization	22,000	
				68,100
Material				
2		1 Public Works	400,000	
		2 Construction and repair of public buildings ...	169,000	
				569,000
SECTION SEVEN				
TREASURY				
Personnel				
1		1 Main administration of the treasury	58,250	
		2 Main administration of customs.....	30,200	
		3 Customs security	29,100	
				117,550
Material				
2		1 Main administration of the treasury.....	3,000	
		2 Miscellaneous expenditures	9,000	
		3 Contingencies	5,000	
		4 Administration of Customs	3,600	
				20,600

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Laura Pohlig, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/26/21

Date



COLECCIÓN LEGISLATIVA DE ESPAÑA

PRIMERA SERIE

PARTE PRIMERA

LEGISLACIÓN

y

DISPOSICIONES DE LA ADMINISTRACIÓN CENTRAL

COMPRENDE:

Las Leyes, Códigos, Decretos, Reglamentos, Instrucciones,
Reales órdenes, Circulares y Resoluciones
de interés general.

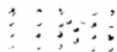
EDICIÓN OFICIAL



TOMO XXVII

VOLUMEN 4.º DE 1906

OCTUBRE Á DICIEMBRE



MÁDRID

IMPRENTA DE LA REVISTA DE LEGISLACIÓN

Ronda de Atocha, 15, centro.

1906

DICIEMBRE DE 1906

506

Estado letra A

PRESUPUESTO DE GASTOS de las posesiones españolas del
Africa occidental para el año económico de 1907.

Capítulos.....	Artículos.....	DESIGNACIÓN DE LOS GASTOS	CRÉDITOS PRESUPUESTOS	
			Por artículos. — Pesetas.	Por capítulos. — Pesetas.
		Administración central.		
		SECCIÓN PRIMERA		
		SECCIÓN COLONIAL		
		EN EL MINISTERIO DE ESTADO		
		<i>Personal.</i>		
1.º	1.º	Cuerpo Diplomático ó Consular.....	36.000	
	2.º	Idem Administrativo.....	15.000	
	3.º	Comisión permanente del Ministerio de Estado.....	15.000	
				66.000
		<i>Material.</i>		
	1.º	Gastos diversos.....	51.000	
	2.º	Obligaciones no determinadas en presupuesto.....	50.000	
	3.º	Elaboración de efectos timbrados y cédulas.....	5.000	
2.º	4.º	Compra de medicinas para los hospitales y enfermerías de las Colonias.....	5.000	
	5.º	Servicio de comunicaciones interinsulares.....	250.000	
	6.º	Pasajes, transportes y fletes oficiales.....	71.500	
				432 500

Capítulos.....	Artículos.....	DESIGNACIÓN DE LOS GASTOS	CRÉDITOS PRESUPUESTOS	
			Por artículos. Pesetas.	Por capítulos. Pesetas.
Administración de las Colonias.				
SECCION SEGUNDA				
GOBERNACIÓN				
<i>Personal.</i>				
1.º	1.º	Gobernador general.....	32.000	
	2.º	Secretaría del Gobierno general.....	38.600	
	3.º	Curaduría colonial.....	19.000	
	4.º	Subgobierno de Bata.....	25.250	
	5.º	Subgobierno de Elobey.....	39.960	
	6.º	Delegación del Gobierno general en San Carlos.....	14.600	
	7.º	Idem de ídem íd en Annobón..	8.100	
	8.º	Idem de ídem íd. en Asobla....	8.100	
	9.º	Servicio sanitario.....	151.580	
	10	Idem postal.....	33.260	
	11	Idem de policía.....	110.855	
				480.305
<i>Material.</i>				
2.º	1.º	Gobierno general.....	16.000	
	2.º	Secretaría del Gobierno general.....	2.500	
	3.º	Curaduría colonial.....	600	
	4.º	Subgobierno de Bata.....	2.250	
	5.º	Idem de Elobey.....	9.615	
	6.º	Delegación del Gobierno general en San Carlos.....	250	
	7.º	Idem del ídem íd. de Annobón.	125	
	8.º	Idem del ídem íd. en Asobla...	125	
	9.º	Servicio sanitario.....	55.858,75	
	10	Idem postal.....	2.740	
	11	Idem de policía.....	38.720	
				128.783,75

DICIEMBRE DE 1906

507

Capítulos.....	Artículos.....	DESIGNACIÓN DE LOS GASTOS	CRÉDITOS PRESUPUESTOS	
			Por artículos. — Pesetas.	Por capítulos. — Pesetas.
SECCIÓN TERCERA				
GUERRA Y MARINA				
<i>Personal.</i>				
1.º	1.º	Servicio militar.....	229.000	298.170
	2.º	Idem marítimo.....	69.170	
<i>Material.</i>				
2.º	1.º	Servicio militar.....	101.455	118.770
	2.º	Idem marítimo.....	17.315	
SECCIÓN CUARTA				
GRACIA Y JUSTICIA				
<i>Personal.</i>				
1.º	1.º	Administración de justicia....	19.950	70.950
	2.º	Misiones de los Padres del Inmaculado Corazón de María.	51.000	
<i>Material.</i>				
2.º	1.º	Administración de justicia....	4.900	15.900
	2.º	Misiones de los Padres del Inmaculado Corazón de María.	11.000	
SECCION QUINTA				
INSTRUCCIÓN PÚBLICA				
<i>Personal.</i>				
1.º	1.º	Enseñanza primaria oficial....	20.000	66.500
	2.º	Escuelas de niñas á cargo de Religiosas.....	28.000	
	3.º	Escuela de Agricultura y Oficios manuales.....	18.500	

508

LEGISLACIÓN

Capítulos.....	Artículos.....	DESIGNACIÓN DE LOS GASTOS	CRÉDITOS PRESUPUESTOS	
			Por artículos.	Por capítulos.
			Pesetas.	Pesetas.
		<i>Material.</i>		
2.º	1.º	Enseñanza primaria oficial....	6.000	
	2.º	Escuelas á cargo de Padres Misioneros.....	15.000	
	3.º	Escuelas á cargo de Religiosas	5.500	
	4.º	Escuela de Agricultura y Oficios manuales.....	5.000	31.500
		SECCION SEXTA		
		—		
		OBRAS PÚBLICAS Y COLONIZACIÓN		
		<i>Personal.</i>		
1.º	1.º	Obras públicas.....	46.100	
	2.º	Colonización.....	22.000	68.100
		<i>Material.</i>		
2.º	1.º	Obras públicas.....	400.000	
	2.º	Construcción y reparación de edificios públicos.....	169.000	569.000
		SECCION SÉPTIMA		
		—		
		HACIENDA		
		<i>Personal.</i>		
1.º	1.º	Administración principal de Hacienda.....	58.250	
	2.º	Idem de Aduanas.....	30.200	
	3.º	Resguardos de ídem.....	29.100	117.550
		<i>Material.</i>		
2.º	1.º	Administración principal de Hacienda.....	3.000	
	2.º	Gastos diversos.....	9.000	
	3.º	Imprevistos.....	5.000	
	4.º	Administración de Aduanas...	3.600	20.600

Annex 221

L. Martín y Peinador, “Geographical Studies: Morocco and Spanish Places, Algeria, Tunisia and Tripoli, Sahara and Spanish Sahara, Spanish Mainland and Island Guinea, Moroccan Problem”
(1908) (excerpt)

TRANSLATION

Chapter X.**Spanish Guinea. – Territory of the Muni.**

The part of Spanish Guinea, continental as well as insular, is made up of an equatorial belt, from near 4° North latitude, where Fernando Póo is, to near 2° South latitude, the zone where Annobón is located. These possessions are part of the large re-entering angle presented by this part of the coast of West Africa, known as the Gulf of Guinea, and called this from Portuguese Guinea to the North through Cape López to the South.

It was in the middle of the XVth century that the Portuguese discovered the western and meridional African coasts and all the islands in the vicinity. The island of Fernando Póo was discovered by the voyager of that same name in 1471, who named it Formosa, but that name did not prevail. The island of Annobón was discovered on January 1, 1471 (Anno-Bon) by the Portuguese voyagers Juan de Santarén and Pedro Escobar.

They belonged to Portugal until March 11, 1778, when, by virtue of a Treaty between Carlos III of Spain and María I of Portugal, the latter nation transferred them to the Spanish crown, along with all lawful rights to ports and coasts facing that island (*Fernando Póo*), such as the ports on the rivers of *Gabaon de los Camarones*, *Santo Domingo de Cabo Feroso* and others in that district, and giving them, by way of compensation, the island of Santa Catalina and Colonia del Sacramento, in South America.

TRANSLATION

—223—

Our lawful rights to the entire African coast at the Gulf of Biafra, of which all the islands and applicable continental part were known by the name of the *Biafra District*, date to that time.

After the Spanish-Portuguese Treaty of 1778, which formalized our rights to the Guinea possessions, the authorities in Fernando Póo, during the period from 1843 to 1882, gave a *nationality card* to several tribal chiefs who lived at the basin of the Muni, confirming Spanish sovereignty, making it legitimate in history and by the abovementioned Treaty.

From 1874 to 1890, the renowned geographers and explorers Iradier, Ossorio, Montes de Oca, Bonelli and Valero, explored and studied the catchment areas of the Muni, Benito and Campo rivers, making new pacts with 350 indigenous chiefs, under the protection of the Africanistas Company and the Spanish Transatlántica concern. Spanish missionaries for the Heart of Mary have also always pursued their mission of exploration and colonization in those territories; from which one can deduce that the Spanish possession, today enclosed between meridians and parallels, should extend as far as the Ubanguí, at the boundaries of the Congo.

Our traditional confidence in the good faith of other nations, and a bit of colonizing neglect, have caused Germany, at the North, and France, at the South, to gradually extend their sphere of primary influence, and then actual possession, of a large part of the continental region that by right has belonged to Spain; leading them to ultimately make us the almost laughable concession of what is called the Muni territory, by virtue of the aforementioned Spanish-French Treaty ¹.

The Spanish Possessions in intertropical Africa are:

The *continental* part called the Territory of the Muni.

[stamp: SORIA PUBLIC LIBRARY]

¹ The Commission appointed for taking possession, demarcating borders and detailed information about the new territories of the Muni was comprised of: *Pedro Jover*, from the diplomatic corps as Royal Commissioner of Spain in West Africa; and *Eladio López Vilches*, the then-commander of Armed Forces Headquarters, *José Gutiérrez Sobral*, a frigate captain; *Amado Ossorio*, a physician and explorer; *Manuel Nieves Coso* and *Emilio Borrajo Viñas*, captains at the Armed Forces Headquarters; *Federico Montaldo*, a military doctor for the Navy; *Enrique d'Almonte*, from the Corps of Mines; *Manuel María de la Escalera*, a naturalist, and *F. Vázquez Zafra*; who carried out this important and nuanced task in the month of July 1901, with their acknowledged competency and patriotism; there were many notable conferences and articles published in the *Bulletin of the Royal Geographic Society*, based on the data supplied from that region.

TRANSLATION

—224—

The Islets of Great Elobey, Little Elobey, Bunye, Leva and Bañe.
Corisco Island.
Fernando Póo Island.
Annobón Island.

Continental Guinea.-Territory of the Muni⁽¹⁾

Spanish Continental Guinea, or the Territory of the Muni, forms a rectangle measuring some 125 kilometers from North to South, and just about 200 kilometers from West to East, with an approximate surface area of 25,000 square kilometers.

The shoreline extends 75 to 80 miles from the mouth of the Muni River, which is the border with French Congo, to the mouth of the Campo River, which is the border with the German colony of Cameroon, with the entire coast marked with shoals and rocks, making navigation hazardous until three or four miles offshore at some sites.

The boundary between the Muni Spanish possession and the colony of Cameroon is determined by part of the Campo River, from its mouth to the 10° meridian East of Greenwich, where the river penetrates the territory of that colony.

[redacted]

(1) The sketch of Continental Guinea is extracted from the noted map drawn by D. Enrique d'Almonte, the distinguished Spanish geographer, and member of the Committed appointed to set borders.

TRANSLATION

—233—

Administrative Division.—For government and administration purposes, this territory is divided into two subgovernments or districts: Nueva Bata and Elobey. The one for Bata ranges from the boundary with the Germany colony of Cameroon to the parallel that passes through the N'Dote river; and the subgovernment of Elobey extends from the previous line to the dividing line at the Muni with French Congo.

By order of the Governor General of the possessions in the Gulf of Guinea dated February 22, 1907, the territory of the Muni shall be subdivided as follows:

The *District of Nueva Bata*, is divided into three Demarcated Areas, called Campo, Nueva Bata and Benito.

Boundaries of Campo:

- N. The boundary with the German colony of Cameroon.
- E. French colony of Congo.
- S. Envia River, spanning from its mouth along an imaginary straight line running West to East along the boundary with French Congo.
- W. The Atlantic Ocean.

Boundaries of Nueva Bata:

- N. The Southern boundary of the above.
- E. French boundary.
- S. Fumana River, spanning from its mouth along an imaginary straight line running West to East to the French boundary.
- W. The Atlantic Ocean.

Boundaries of Benito:

- N. The Southern boundary of the above.
- E. French boundary.
- S. The N'Dote River, spanning from its source along an imaginary straight line running West to East to the French boundary.

The *District of Elobey* is divided into three Demarcated Areas, which are: Cape San Juan, Elobey and Asobla.

Boundaries of Cape San Juan:

- N. The Southern boundary of the Benito demarcated area.
- E. French boundary.
- S. Punta Boote ó Negra, spanning from its tip along an imaginary straight line to Bombuanyoco mountain, and from another imaginary straight line to Mitra mountain, and then another straight line running West to East to the French boundary.
- W. The Atlantic Ocean.

TRANSLATION

—234—

Boundaries of the Elobey Demarcated Area:

- N. The Southern boundary of the above, to mount Mitra.
- E. An imaginary straight line from that mountain, in a southwesterly direction, to the mouth of the Congo River, inclusive.
- S. Río Muni and Corisco bay.
- W. The Ocean, but also including the islands of Corisco and the two Elobey islands.

Boundaries of the Asobla Demarcated Area (over the Utamboni and adjacent to the boundary):

- N. Mount Mitra and an imaginary straight line running West to East to the French boundary.
- E. French boundary.
- S. Southern boundary of the whole territory.
- W. Mount Mitra and an imaginary straight line from that mountain to the mouth of the Congo River.

There shall be a Delegate in each of these Demarcated Areas, except for Nueva Bata and Elobey, where the Sub-Governors for each of those Districts already reside, and they shall oversee the respective delegates. The seats or residences of those delegates shall be:

Campo, in the demarcated area of the same name.

Bata, in the district of Nueva Bata.

Benito, in the demarcated area.

Cape San Juan, *ibidem*.

Little Elobey, the district.

Asobla, in the demarcated area.

Posts shall also be established in each of the seats of the demarcated areas, and at the following points:

At *Epole* (customs), near the last bend in the Campo River.

At the *Aye* River, in the one for Cape San Juan.

At *Canganie*, between the Southern French boundary and the Bañe River (belonging to Asobla).

At *Asobla*, seat, on the Utamboni, to the SE of the Bañe river lake.

At the juncture of the Asobla and Utamboni rivers.

The capital of the territory of the Muni should not be in Bata, which is a very ex-centric location compared to the territory as a whole, and the roadstead is too open to serve as a base for general commerce.

The capital would be better situated at a convenient, safe site *near the mouth of the great Benito river*, which is a point that is central to the entire coast ...[continues]

TRANSLATION

—240—

Basin of the Utamboni River.....

Already on the Utamboni, before getting cut off by the boundary, are the factories of Kangañe and Ynvito, to the *M'Bue* estuary, or even the *Bia* River, before the Bongué ó M'Bung estuary, where the Utamboni river belongs to French territory, and then once again becomes Spanish at the mouth of the Mitombe, and somewhat further North, at the confluence of the M'Bung tidelands, are the villages of *Abenilang*, *Yoñi*, *Umvam* and **Asobla**, seat of the Delegation by the same name; *Mebonde*, with an English factory; Sokoveng, with a Spanish factory; and many other hamlets along the river. The seat of the Delegation seems like it should be in Mebonde, because is situated for bringing all the products from the basin of the Utamboni to Bañe without having to cross into the French part of the Utamboni.

Central and eastern part.....

There are numerous indigenous villages throughout the central and eastern part of the Spanish possession, particularly on the Mambé toward its confluence with the Bimbili.

Throughout the eastern Bimbili, as well as along the Volé and its tributaries, is a densely populated zone from North to South not far from the eastern boundary of the Muni.

There are quite a few towns, all different branches of the *Pamue* race, and numerous plantations along the vast basins of the aforementioned rivers.

Production and Commerce. – A large quantity of cotton can be produced on the Muni, because its geologic soil formation conditions, climate and humidity are exactly the same as those in the French colony of Dahomey, where there has been ages-old cotton cultivation among the indigenous population of the country, and today it is being promoted by the metropolis, with the objective of shipping it to France at the military and commercial port of Kotonú.

Tree varietals that produce oily almonds and palm oil trees can also be cultivated...



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Maureen Colbert, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/08/21

Date





Capítulo X.

Guinea española.—Territorio del Muni.

La parte de la Guinea española, tanto continental como insular, está comprendida en una faja ecuatorial, desde próximo á los 4° de latitud Norte, donde está Fernando Póo, hasta cerca de los 2° latitud Sur, en cuya zona se halla Annobón. Corresponden estas posesiones al gran ángulo entrante que presenta en esta parte la costa occidental africana, con el nombre de *Golfo de Guinea*, así llamado desde la Guinea portuguesa hacia el Norte, hasta el cabo López por el Sur.

Hacia la mitad del siglo XV descubrieron los portugueses las costas occidentales y meridionales africanas y todas las islas allí enclavadas. La de Fernando Póo fué descubierta por el navegante de este nombre en 1471, dándola el nombre de Formosa, que no prevaleció. La de Annobón se descubrió el 1.º de Enero de 1471 (Anno-Bon) por los navegantes portugueses Juan de Santarén y Pedro Escobar.

Pertencieron á Portugal hasta el 11 de Marzo del año 1778, que, en virtud de un Tratado entre Carlos III de España y María I de Portugal, fueron cambiadas por esta nación á la Corona de España, como también todos sus legítimos derechos sobre los puertos y costas opuestas á dicha isla (*Fernando Póo*), como son los puertos del río *Gabaon de los Camarones*, de *Santo Domingo de Cabo Feroso* y otros de aquel distrito, dándoles, en compensación, la isla de Santa Catalina y Colonia del Sacramento, en la América del Sur.

De entonces datan nuestros legítimos derechos sobre toda la costa africana del golfo de Biafra, con cuyo nombre de *distrito de Biafra*, se conocieron todas aquellas islas y parte continental correspondiente.

Después del Tratado hispano-portugués de 1778, en que se legalizaron nuestros derechos sobre las posesiones de Guinea, las autoridades de Fernando Póo, en el período de 1843 á 1882, dieron *carta de nacionalidad* á varios jefes de tribus que habitaban en la cuenca del Muni, confirmando la soberanía española, legítima en la historia y por el Convenio antes citado.

Desde 1874 á 1890, los distinguidos geógrafos exploradores Iradier, Ossorio, Montes de Oca, Bonelli y Valero, recorrieron y estudiaron las cuencas de los ríos Muni, Benito y Campo, con viniendo nuevos pactos con 350 jefes indígenas, bajo la protección de la Sociedad de Africanistas y de la Trasatlántica española. También los misioneros españoles del Corazón de María han seguido siempre su misión de exploraciones y colonización de aquellos territorios; de donde se deduce que la posesión española, encerrada hoy entre meridianos y paralelos, debía extenderse hasta el Ubangú, en las fronteras del Congo.

Nuestra confianza tradicional en la buena fe de las demás naciones, y algo de descuido colonizador, han sido causa de que, Alemania por el Norte y Francia por el Sur, hayan ido extendiendo la esfera de su influencia primero, y la posesión efectiva después, de una gran parte de la región continental que de derecho ha pertenecido á España; haciéndonos, finalmente, la casi irrisoria concesión del llamado territorio del Muni, en virtud del Convenio hispano-francés antes mencionado (1).

Las Posesiones españolas del Africa intertropical, son:
La parte *continental* llamada Territorio del Muni.

(1) La Comisión nombrada para la toma de posesión, demarcación de límites é información detallada acerca de los nuevos territorios del Muni, se compuso: de *D. Pedro Jover*, de la carrera diplomática, como Comisario regio de España en el Africa Occidental; y de los señores *D. Eladio López Vilches*, entonces comandante de Estado Mayor; *D. José Gutiérrez Sobral*, capitán de fragata; *D. Amado Ossorio*, médico y explorador; *D. Manuel Nieves Coso* y *D. Emilio Borrajo Viñas*, capitanes de Estado Mayor; *D. Federico Montaldo*, médico militar de la Armada; *D. Enrique d'Almonte*, del Cuerpo de Minas; *D. Manuel María de la Escalera*, naturalista, y *D. F. Vázquez Zafra*; los cuales llevaron á cabo tan importante y delicado cometido en el mes de Julio de 1901, con su reconocida competencia y patriotismo; siendo notables las conferencias y artículos publicados en el *Boletín de la Real Sociedad Geográfica*, por los datos suministrados de aquella región.



— 224 —

Islotes Elobey Grande, Elobey Pequeño, Bunye, Leva y Bañe.

Isla de Corisco.

Idem de Fernando Póo.

Idem de Annobón.

Guinea continental.—Territorio del Muni (1).

La Guinea continental española, ó territorio del Muni, forma un rectángulo de unos 125 kilómetros de Norte á Sur, y unos 200 kilómetros escasos de Oeste á Este, con una superficie aproximada de 25.000 kilómetros cuadrados.

El desarrollo de costa es de 75 á 80 millas desde la desembocadura del río Muni, límite del Congo francés, hasta la del río Campo, límite de la colonia alemana de Camarones ó de Kamerun, estando sembrada toda la costa de bajos y piedras, que hacen peligrosa la navegación hasta tres ó cuatro millas fuera, por algunos sitios.

La frontera de la posesión española del Muni y la colonia de Kamerun está determinada por una parte del río Campo, desde su desembocadura hasta el meridiano 10° Este de Greenwich, á partir del cual, el río se interna en el territorio de la colonia citada.

(1) El croquis de la Guinea continental está extractado del notable mapa trazado por D. Enrique d'Almonte, distinguido geógrafo español, é individuo de la Comisión nombrada para la demarcación de límites.

División administrativa.—Este territorio está dividido para su gobierno y administración en dos subgobiernos ó distritos: de Nueva Bata y de Elobey. Abarca el de Bata desde la frontera de la colonia alemana de Camarones hasta el paralelo que pasa por el río N'Dote; y el subgobierno de Elobey, desde la línea anterior hasta la divisoria en el Muni con el Congo francés.

Por disposición del Gobernador general de las posesiones del golfo de Guinea, fecha de 22 de Febrero de 1907, el territorio del Muni se subdividirá del modo siguiente:

El *Distrito de Nueva Bata* se divide en tres Demarcaciones, denominadas de Campo, Nueva Bata y Benito.

Límites de Campo:

- N. La frontera con la colonia alemana de Kamerun.
- E. Colonia francesa del Congo.
- S. Río Envia, prolongado éste desde su desembocadura con una línea recta imaginaria de O. á E. hasta la frontera con el Congo francés.
- O. El Océano Atlántico.

Límites de Nueva Bata:

- N. El del Sur del anterior.
- E. Frontera francesa.
- S. Río Fumana, prolongado éste desde su desembocadura por una línea recta imaginaria de O. á E. hasta la frontera francesa.
- O. El Océano Atlántico.

Límites del Benito:

- N. El del Sur del anterior.
- E. Frontera francesa.
- S. El río N'Dote, prolongado éste desde su nacimiento con una línea recta imaginaria de O. á E. hasta la frontera francesa.

El *Distrito de Elobey* se divide en tres Demarcaciones, que son: Cabo San Juan, Elobey y Asobla.

Límites de Cabo de San Juan:

- N. El del Sur de la demarcación de Benito.
- E. Frontera francesa.
- S. Punta Boote ó Negra, y desde esta punta una recta imaginaria hasta el monte Bombuanyoco, y desde aquí otra recta imaginaria hasta el monte de la Mitra, y luego otra recta orientada de O. á E. hasta la frontera francesa.
- O. Océano Atlántico.

Límites de la Demarcación de Elobey:

- N. El del Sur del anterior, hasta el monte de la Mitra.
- E. Línea recta imaginaria desde este monte, orientada al SO., hasta la desembocadura del Congüe, éste inclusive.
- S. Río Muni y bahía de Corisco.
- O. El Océano, pero abarcando también las islas de Corisco y los dos Elobeys.

Límites de la Demarcación de Asobla (sobre el Utamboni y próximo á la frontera):

- N. Monte Mitra y una recta imaginaria orientada de O. á E. hasta la frontera francesa.
- E. Frontera francesa.
- S. Frontera Sur de todo el territorio.
- O. Monte Mitra y una recta imaginaria desde dicho monte hasta la desembocadura del Congüe.

En cada una de estas Demarcaciones habrá un Delegado, á excepción de las de Nueva Bata y Elobey, en las que ya tienen su residencia los Subgobernadores de cada uno de dichos Distritos, y de los cuales dependerán los delegados respectivos. Las cabeceras ó residencias de estos delegados serán:

- Campo, de la demarcación de este nombre.
- Bata, del distrito de Nueva Bata.
- Benito, de la demarcación.
- Cabo San Juan, ídem id.
- Elobey Chico, del distrito.
- Asobla, de la demarcación.

También se establecerán *puestos* en cada una de las cabeceras de las demarcaciones, y además en los puntos siguientes:

- En *Epole* (aduanero), próximo al último recodo del río Campo.
- En el río *Aye*, en la de Cabo de San Juan.
- En *Canganie*, entre la frontera Sur francesa y el río Bañe (corresponde á Asobla).
- En *Asobla*, cabecera, sobre el Utamboni, al SE. del lago del río Bañe.
- En el cruce de los ríos Asobla y Utamboni.

La capital del territorio del Muni no debiera estar en Bata, sitio muy excéntrico con relación á todo el territorio, y la rada es muy abierta para servir de base al comercio general.

Mejor situada estaría la capitalidad en un sitio conveniente y sano, *próximo á la desembocadura del gran río Benito*, que está en un punto céntrico de toda la costa es-

Cuenca del río
Utamboni.....

Ya en el Utamboni, antes de ser cortado por la frontera, están las factorías de Kangañe é Ynvito, hasta el estero *M'Bue*, ó acaso *R. Bia*, antes del estero Bongué ó *M'Bung*, desde donde el río Utamboni pertenece al territorio francés, volviendo á ser español desde la desembocadura del Mitombe, y algo más al Norte, en la unión del estero *M'Bung*, se hallan los poblados *Abenilang*, *Yoñi*, *Umvam* y *Asobla*, cabeza de la Delegación de este nombre; *Mebonde*, con factoría inglesa; *Sokoveng*, con factoría española, y otros muchos caseríos más á lo largo del río. La cabecera de la Delegación parece que debiera ser en *Mebonde*, por su situación para llevar todos los productos de la cuenca del Utamboni hacia el Bañe sin descender á la parte francesa del Utamboni.

Parte central y
oriental.....

En toda la parte central y oriental de la posesión española hay también numerosos poblados indígenas, particularmente sobre el *Mambé* hacia su unión con el *Bimbili*.

En todo el *Bimbili* oriental, lo mismo que sobre el *Volé* y sus afluentes, hay una zona muy poblada de Norte á Sur y no lejos de la frontera oriental del Muni.

Hay muchísimos poblados, todos de la raza *pamue* en sus distintas ramas, y numerosas plantaciones á lo largo de las extensas cuencas de los ríos citados.

Producciones y comercio.—En el Muni puede producirse gran cantidad de algodón, porque sus condiciones geológicas de formación del suelo, clima y humedad son exactamente iguales á las de la colonia francesa de *Dahomey*, donde el cultivo del algodón ha sido secular entre los indígenas del país, y hoy se está fomentando por la metrópoli, con el fin de embarcarlo para Francia en el puerto militar y comercial de *Kotonú*.

Se pueden explotar también variedades de árboles que producen almendras oleaginosas y las palmeras de aceite

Annex 222

D. Saavedra y Magdalena, SPAIN IN WEST AFRICA (RIO DE ORO AND GUINEA) (1910)

TRANSLATION

SPAIN IN
WEST AFRICA
(RÍO DE ORO AND GUINEA)

BY

DIEGO SAAVEDRA Y MAGDALENA

FERNANDO FÉ BOOKSTORE
Puerta del Sol, 15. – Madrid

LEGACY OF DON JUAN
DE LA CÁMARA

[stamp: UNIVERSITY OF SEVILLA
SCHOOL OF HUMANITIES LIBRARY]

WATER STREET TRANSLATIONS

TRANSLATION

180

...[council] of neighbors and public works, are the only structures present.

This includes the town of Elobey. The lieutenant governor, the secretary, the doctor, the Colonial Guard lieutenant, a fourth official, a pharmacist, a practitioner, two religious nurses, four or five missionaries, the junior staff at the post, two or three Europeans per trading post, and as many as one hundred Indians, mostly Benga: that is the entire vanguard of the future emporium.

What makes the island lively and animated is, naturally, the robust commerce the Firms established there transact through their branches on the Continent, especially those on the Muni. The Trans-Atlantic Company of Woermann, John Holt and Hatton Cookson also has numerous agencies and subagencies in the continental territories that compete, in the most good-natured way, for the country's natural products, but especially, with true lust, for rubber.

Although the Elobey Firms are very well stocked, the direct business conducted there is quite small: the consumer population is meager and the island does not have its own wealth; they do try, however, to meet its demand, but that is not what is of interest to them: their sights are on the river. Timber: *bokamen yamanguila*, ebony and barwood; rubber, above all; palm oil, ivory, which traders acquire from the indigenous population in their own villages in the interior and then large steamboats ford the waters of the Muni to ship them to Liverpool or Hamburg, and that is their business.

After the crisis caused by the drop in rubber in European markets two years ago or so, we feared for the viability of those establishments, but with the renewal of the timber trade, where major operations are now being made, hope is restored and everyone is fervently preparing for a large expansion of trade, making numerous demands for commodities to exchange.

Moving on from the island of Little Elobey to the island of Great Elobey, called that only on the basis of comparison, because even it is no larger than two square kilometers in area, despite its size, little can stop us. Covered with woodlands and nearly uninhabited, the configuration of its terrain, which is much more rugged and has elevations of perhaps 25 meters, causes its waters to form pools and fountains of this precious liquid,

TRANSLATION

181

an element its little sister lacks and, therefore, all official offices and factories on Little Elobey have cisterns.

The foregoing, the presence of very high-quality stone for construction, having a small cacao plantation owned by a titular indigenous chief on the island, and being a refuge for millions of *bermejizos* [a type of bat], which hang from branches of the compact tree grove by day and fly to *tierra firma* in massive flocks come nightfall, are all there is to Great Elobey.

[photo with caption: "Hatton Cockson Factory"]

At 0° 55' lat. N and 13° 1' long. E. of Madrid, at the entry to the bay it is named for, and some eight-and-a-half miles southwest of Elobey and ten-and-a-half from Punta Mosquito, the closest site to the continental lands, is the island of Corisco. Very flat, low-lying, with small rises that their vegetation makes impossible to see from a distance, covered in grasslands, coursed by thousands of creeks that cut into its area and feed lagoons and swamps, its surface area is probably about [illegible] square kilometers.

[photo with caption: "John Holt Factory"]

Its shores are cloudy, full of sandy banks, accessible only to small vessels. Except for a few abrupt and rocky points along the meridional coast, its entire perimeter can be

[stamp: UNIVERSITY OF SEVILLA
SCHOOL OF HUMANITIES LIBRARY]

TRANSLATION

182

traversed on a wide beach of bright white, silica sand that is so pure it has been considered for use in manufacturing crystal.

In proximity to Corisco are, three-quarters of a mile from its Meridional coast, the islet of Leva or Laval, and, five away toward the SE, N'Bañe island, renowned only because in the none too distant past it was the cause of discussion when some foreigners disembarked there, but it turned out to be a pleasure outing. Their location notwithstanding, these islets are of no value whatsoever due to their smallness and because they are void of any life at all. The former is not populated; the latter, famous for being overrun with rats by the thousands, is inhabited by a family whose head of household is deputized with our authority.

[photo with caption: "Woermann Factory"]

The settlement of Corisco, which in times when it was subject to our sovereignty had thousands of inhabitants, all Benga, has shrunk to the point that, by some counts, there are no more than 600 or 700 souls on it. Although we do, in fact, believe the Benga race is likely to disappear, we feel more comfortable estimating the approximate number of inhabitants on the island at the [illegible] that is provided with such exactness in the texts we dare not dispute.

The Benga population is subject to a *sui generis* monarchical regime, until recently ruled by what could be called the *Bonkoric* dynasty, since it was Bonkoro I who requested incorporation into Spain in 1843, Bonkoro II who obtained the letter of nationality, in 1858, and Bonkoro III who, after being educated at our Missions, served on a Spanish warship[:]; now holding the title of Chief of Corisco is the sympathetic Uganda, a cultured and highly-regarded man among his people, a fanatic of Spain who only laments that our Government does not have a school on the island for something other than what is taught at the Mission.

WATER STREET TRANSLATIONS

TRANSLATION

183

We have stated elsewhere our thoughts on the Benga people; we have already expressed our sorrow on seeing that, instead of thriving, it seems they are likely to disappear; we have also mentioned, albeit in passing, the cause of this; now let us enlist more attention to that people from our leaders. We believe the fertile soil of Corisco and

[map of Corisco, also showing Laval island and N'Bañe islet]

the population's addiction to our sovereignty make the island very suitable for use, according to affirmation by our technicians, to grow tobacco, coconut plantations and perhaps even to raise cattle, and we hope that its inhabitants, under a more protective and careful regime, would turn the tide of its decline and be more useful for our colonizing activity.

At present, despite its conditions, the only Spanish representation on the island of Corisco is that of the PP

TRANSLATION

184

Missionaries and, barely, a small contingent of the Colonial Guard. While not being too much or too little, that is not what is needed there. A docile people, an island not too far from the district capital area, it does not beg for a larger delegation of authority; an educated race, with an eye toward Libreville, it would be beneficial to provide better examples of our pedagogical range and our colonizing procedures.

Its people, anxious for education and prosperity under the domination of the Spanish, and aware of the grandeur of its neighboring French colony of Gabon, where delights and joys are received, find it strange, and rightfully so, that their motherland, or adoptive motherland, if that seems more accurate, has abandoned them; they notice that their land is not cultivated, that the large business concerns have not brought their influence to bear there, which would be a boon for all, as they see happening in other African colonies; nonetheless, faithful and patient, they do not fuss, they pray.

[photo with caption: "Chief Uganda"]

Handsome, clothed in European wear, and many of whom speak, in addition to their own language, Spanish or French, not very properly, but with ease, their uses and customs reveal a superlative degree of civilization compared to other natives of our territories. Without having ever left Corisco or its surrounding areas, they are on par with the *Liberians*, *Sierra Leoneans*, *Accrans* or *Lagoans*, that make up the intellectual aristocracy of West Africa.

Neither the Bubi of Fernando Póo, nor the Annonbonese or the Pamue, Bujeba, Kumbe, or Bapuko, etc. peoples of the Continent compare to the Benga, especially the Coriscans. More civilized, their permanency on the Continent, in full harmony with the savage Pamue, is

WATER STREET TRANSLATIONS

TRANSLATION

185

[photo with caption: "Uganda's house in the village of Lembue"]

increasingly fraught; the few individuals left of that race, or rather, that tribe, who have until now remained in the vicinity of Cape San Juan, are slowly leaving and removing to the island, their last refuge.

[photo with caption: "Coriscans"]

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Maureen Colbert, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

08/31/21

Date





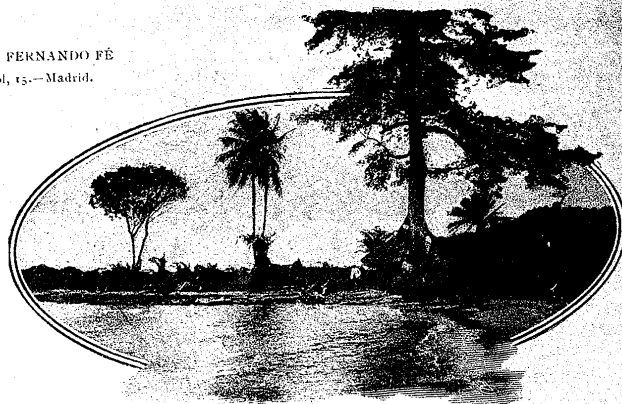
ESPAÑA EN EL AFRICA
OCCIDENTAL

(RÍO DE ORO Y GUINEA)

POR

DIEGO SAAVEDRA Y MAGDALENA

LIBRERÍA DE FERNANDO FÉ
Puerta del Sol, 15.—Madrid.

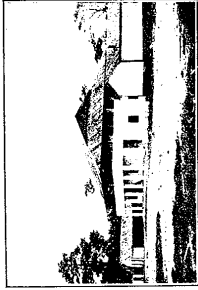


LEGADO DE DON JUAN
✧ DE LA CÁMARA ✧

UNIVERSIDAD DE SEVILLA
FACULTAD DE LETRAS
BIBLIOTECA

miento de que carece su hermano menor y que obliga a que todas las dependencias oficiales y factorías del pequeño Elobey estén dotadas de edificios.

Lo expuesto, el empuje con piedra de muy buena calidad para construcciones, el tener una pequeña plantación de cañero, propiedad de un ingeniero filantrópico jefe de la isla y el ser esta refugio de millones de *bermudeños*, que, cogidos durante el día de las ramas del compacto arbolado, en llegando la noche llenan el viento y libre era firme en bandadas numerosas, son todas las particularidades de Elobey grande.



Factoría de Matón Coobiano

A los nr 257 lat. N. y los 83° 17' long. E. de Madrid, en la entrada de la bahía de su nombre, y á una milla y media de Punta Mosquito, sitio más próximo de las tierras comarcales, hállase la isla de Coobiano. Muy llana, baja, con pequeñas elevaciones que la vegetación no deja aparecer á distancia,



Factoría John Holt

cubierta de praderas, rodeada por mil arroyos que arrojan su curso alquilando lagunas y pantanos, tendrá de superficie unos 14 kilómetros cuadrados.

Suaves sus costas, llenas de laureos arenosos, sólo las embarraciones menores tienen acceso á ella. Exceptuando algunos puntos de la costa meridional, abruptos y rocosos, todo su bajojorco pareda ha-

sejo de Avetinas y de otras públicas, son las únicas construcciones que se ofrecen.

La población de Elobey puede contarse. El subgobernador, el secretario, el médico, el teniente de la Guardia Colonial, un oficial de artillería, un farmacéutico, un practicante, dos religiosos enfermeros, cuatro ó cinco misioneros, el personal subalterno del destacamento, dos ó tres carpenteros por factoría y hasta cien indígenas, bregas en sus mayor parte; esa es toda la vanguardia del futuro empuje.

Lo que da vida y animación á la isla es, naturalmente, el comercio tan activo que mantienen las Casas allí establecidas con sus sucursales del Continente y en especial las del Muni. Lo mismo la Compañía Transatlántica que Avoerium, John Holt y Ballou Gouche son, empujados con numerosas agencias y subagencias en los ferros confederados, que se disputan, dentro de la mejor armonía, los productos naturales del país, pero con especialidad, con verdadera contenta, la goma, el caucho.

Muy bien surtidas las Casas de Elobey, el negocio directo que en ellas realizan es muy pequeño; escasa la población consumidora y su riqueza propia la isla, procuran, sí, satisfacer su demanda, pero no es esto lo que les interesa; donde tienen puesta su atención es en el río. Las maderas, el *balatana yomayomá*, el ébano y el palo rojo; la goma, esto sobre todo; el aceite de palma, el marfil, que el indiano adquiere de manos del indígena en sus mismos poblados del interior y que luego los grandes vapores cargan en aguas del Muni para transportarlos á Liverpool ó Hamburgo, ese es su negocio.

Pasada la crisis que por efecto de la baja de la goma en los mercados de Europa, nos hizo tener hace unos años por la villa de aquellos establecimientos, y vuelta á reanudar el comercio de maderas, actualmente hacen operaciones importantes. Ha reparado la esperanza y todos se apresuran con ardo á dar mayores empujes al tráfico, haciendo cuantiosas demandas de géneros para el intercambio.

Dejando la isla de Elobey chico para pasar á la de Elobey grande, llamada así tan solo por comparación, pues aun esta no tiene más de dos kilómetros cuadrados de superficie, ni obstante su grandeza, poco ha de detenernos. Cubierta de bosque y casi deshabitada, la configuración de su suelo, mucho más accidentado y con elevaciones que tal vez alcancen los 25 metros, da origen á que las aguas formenten depósitos y se encuentren fuentes de tan precioso líquido, ele-

UNIVERSIDAD DE CUBA
INSTITUTO DE GEOGRAFÍA Y ESTADÍSTICA

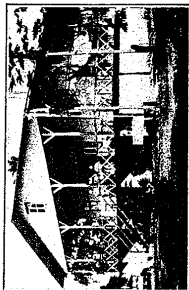
182

cese por mucha playa de arena muy blanca, sílficea, tan pura que ha hecho pensar en su aprovechamiento para la fabricación del cristal.

En las proximidades de Corisco encontramos, á tres cuartas de milla de su costa meridional, el islote de Leva ó Lavai, y á cinco, en dirección SE., la isla N'Zabú, célebres las sólo porque en un lejano tiempo fué motivo de comentarios el descubrimiento en ellas de unos extraterrestres, que luego resultó un deportivo pasaje. Prescindiendo de su situación, estos islotes no tienen valor alguno por su pequeñez y por carecer de todo elemento de vida. El primero está despoblado; el segundo, en el que es fauna pulularan las ratas por millares, está habitado por una familia cuyo jefe es delegado de nuestra autoridad.

La población de Corisco, que en los tiempos en que quedó sujeta á nuestra soberanía se contaba por miles de habitantes, hogaes todos ellos, ha disminuido al punto de que algunos no la conocen, estamos más conformes en reconocer á la isla una cifra de habitantes aproximada á la de 1.538 que con tanta exactitud se consignó en textos de los que no nos atrevemos á discrepar.

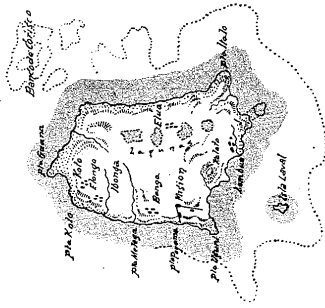
Sujeta la población hogaes á un régimen monárquico sui generis, imperando en ella hasta hace poco la dinastía que pudiera llamarse *bonobárica*, pues Bonkoro I fué el que solicitó la incorporación á España en 1863, Bonkoro II el que obtuvo carta de nacionalidad en 1888, y Bonkoro III el que, después de educado en nuestras Misiones, prestó servicio en un buque de guerra español, hoy destruido el título de jefe de Corisco al simpático Eganha, hombre culto y de mucho prestigio entre los suyes, muy ahecho á España y que sólo lamenta que nuestro Gobierno no dote aquella isla de una escuela en donde se enseñe algo más que en la Misión.



Factoría Weermann

183

Ya hemos dicho en otro lugar lo que del pueblo hogaes pensamos; ya hemos expresado nuestro dolor al ver que, en vez de desarrollarse, parece hende á desaparecer; aunque á la ligera, también hemos expuesto la causa de ello; ahora quedamos tan sólo recabar para ese pueblo mayores atenciones por parte de nuestros gobernantes. Pórttil



Corisco

el suelo de Corisco, adica su población á nuestra soberanía, creemos posible la explotación de la isla, muy adecuada, según afirmación de los técnicos, para el cultivo del tabaco, plantaciones de cocos y hasta para ganadería, y esperamos en que sus habitantes, con un régimen más protector y cuidadoso, saldrán de su decadimiento y serán más útiles á nuestra acción colonizadora.

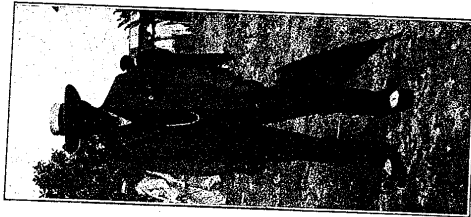
Actualmente, á pesar de sus condiciones, la isla de Corisco no cuenta con más representación española que la de los PP. Misioneros.

ros, y, si acaso, algún elemento de la Guardia Colonial. Sin ser eso mucho ni poco, no es lo que allí se necesita. Pueblo tranquilo, isla no muy dislamiada de la capitalidad del distrito, no reclama mayor delegación de la autoridad; raza educada, con vistas á Liverpool, convencería daría, mejores muestras de nuestro alcance pedagógico y de nuestros procedimientos colonizadores.

Abioso aquel pueblo de educación y prosperidad bajo la dominación de Esquith, comendador de las grandezas de la Verina colonia francesa del Gabón, en la que escriben habiagos y carteras, extráñase, con razón, de que la madre patria, ó la madre adoptiva si parece más exacto, los tenga abandonados; lámalles la atención que su suelo no sea cultivado, que las grandes empresas explotadoras no lleven hasta allí su influencia, para loas provea host, como ven en otras colonias africanas; sin embarge, fieles y parientes, no protestan, suplican.

Pobres, con adblada indumentaria europea, hablando gran parte de ellos, á más de su idioma, el esloiano ó francés, no muy correctamente, pero sí con facilidad, sus usos y costumbres acusan un grado de civilización superiorativo en comparación con los demás naturales de nuestros territorios. Sin haber salido de Corisco ó de sus inmediaciones, están á nivel de las libertales del occidente africano.

Ni el lobi de Fernando Pó, ni el ambonés, ni el janne, juba, kumbé, hapuko, etc., del Continente, pueden compararse con el bengá, sobre todo el corisqueño. Más civilizados, su permanencia en el Continente, en plena convivencia con el salvaje parrue, se



El jefe Uganá



Casa de Uganá en el poblado de Lembue

va haciendo cada vez más penosa, de ahí que vayan retirándose á esta isla, su último refugio, los pocos individuos de esta raza, ó mejor dicho de esta tribu, que hasta ahora han permanecido en las proximidades de Cabo San Juan.



Corisqueño

Annex 223

L. Ramos-Izquierdo y Vivar, GEOGRAPHICAL DESCRIPTION AND GOVERNMENT, ADMINISTRATION AND COLONIZATION OF THE SPANISH COLONIES OF THE GULF OF GUINEA (1912)

TRANSLATION

GEOGRAPHICAL DESCRIPTION

AND

GOVERNMENT, ADMINISTRATION AND COLONIZATION

OF THE

SPANISH COLONIES OF THE GULF OF GUINEA

Illustrated with maps and plans created and reduced by the Engineer of Roads, Canals and Ports, Mr. Eduardo Navarro y Beltrán del Río, with photo engravings of the same,

BY

Luis Ramos-Izquierdo y Vivar

Knight of the Military Order of Calatrava, the Order of Military Merit with Red Decoration in all its categories, the Military Order of María Cristina, the Order of Naval Merit with Red Decoration, the Civil Order of Beneficence and others.

Ex Sub-Governor of the District of Bata, on the continental territory called Muni, and ex-Governor General of the same.

MADRID
FELIPE PEÑA CRUZ PRESS
Calle de Pizarro, number 16
1912

WATER STREET TRANSLATIONS

TRANSLATION

CHAPTER IV

Corsico Island

Located at 0°55' North latitude and 13°1' East longitude from Madrid and 12 miles from the coast of our continental territory, or from the point named Mosquito Point or Calatrava, and nine miles southwest from the islands Elobey-Grande and Elobey-Chico, is Corisco Island (named Mangui by the natives), which presents plains with some plateaus and has a surface area of 14 square kilometers.

Its coast varies from sea level to a height of 20 to 25 meters, is steep and rocky, and its beaches have very fine white sand.

The main heights are found on the northern side of the island, reaching no more than 40 meters above sea level, with a small hill called Ugani rising on the southwest side.

It has a number of streams and a small swamp in the interior, situated at sea level in one of the depressions the island has, and its swamp produces some unhealthy drafts.

Flora. – Its forests produce logwood, bimo, bokumo, bamboo and ramie, and cultivated areas could produce sugarcane, coconut, tobacco, cotton, rubber trees, cocoa and other products. Agriculture is currently limited to cassava, bananas and some cocoa.

The *fauna* offers nothing especially worth mentioning, and beef cattle would be raised very well on the lands that are set aside for that purpose. Today there are some beef cattle, sheep and pigs, although not many.

The natives belong to the Benga tribe which, although it was one of the most important, is now tending toward extinction; they are the most civilized, although extremely dissolute. They are intelligent, and in general they speak Spanish and French, the latter of which they have learned on

TRANSLATION

52

SPANISH COLONIES OF THE GULF OF GUINEA

their frequent excursions to French Gabon, a territory which is only a few miles away from this island. For the most part, they dress in European style and they work in business, as dealers and in the service of the factories and the Europeans; they are great lovers of the sea and very handy at boat building.

Many of the women, despite their bronze-black color, have pleasing features and good bodies; they also dress like Europeans in general; but a good number of them are accustomed to wearing a cloth of very bright colors that is fastened under the armpit and falls to their heels like a Roman tunic, with which they are more in character than when they are dressed in European clothing; they comb their hair very artfully, they are graceful and they have a special sweetness when speaking that makes them extremely pleasant.

Many of the island's inhabitants profess the Catholic religion, several are Protestants, and the rest are still somewhat pagan.

Polygamy is normal with them, just as with inhabitants of the continent, and they still preserve some of their ancient uses, habits and customs.

When someone commits an offence or a crime, the elders of the island also meet in assembly to judge them and administer justice, an act which they call "word" (judgment), as do the other natives of our possessions.

The women cultivate the fields.

They build their houses of bamboo, and these houses do not have the wretched appearance of the dwellings of the natives of our continental area and the islands of Fernando Póo and Annobón.

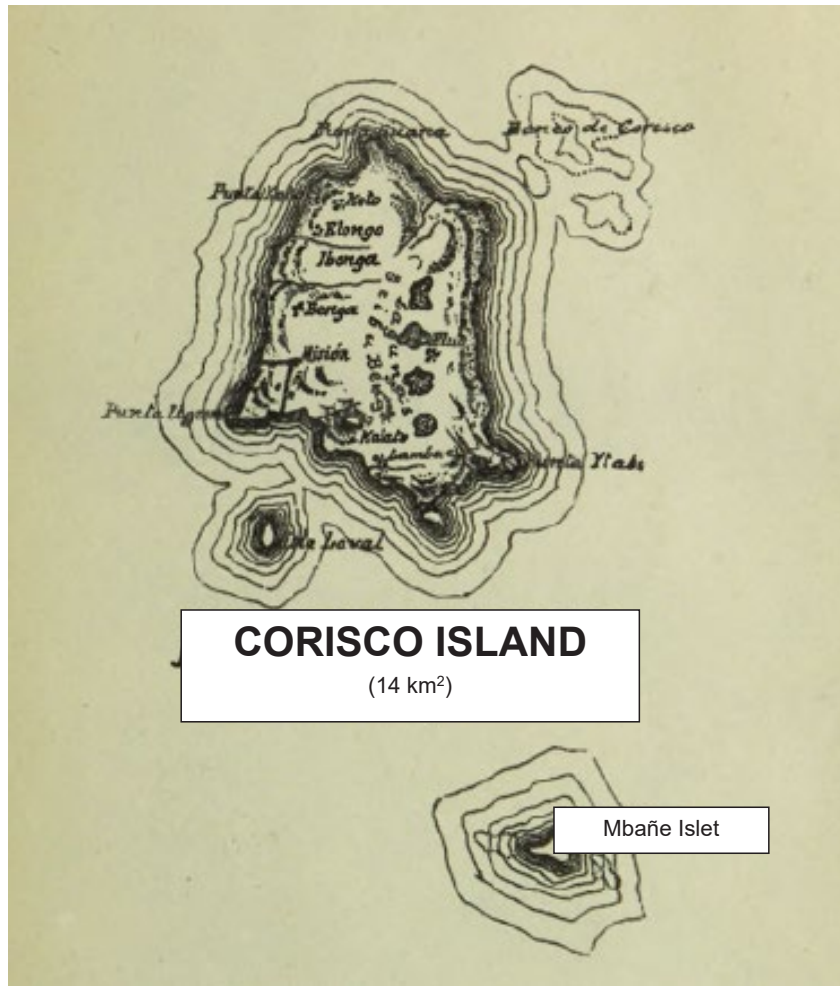
The chief of this tribe, named Uganda, has a great deal of prestige among the peoples of the island, and he is very loyal to the Spanish cause and has his regular residence in the town of Lembue.

The missionary fathers of the Immaculate Heart of Mary and the nuns belonging to this religious community, which is established on the island, have a good residence for the former; but not for the latter, who live in a poor wooden house.

The entire official presence on the island is a Colonial Guard post.

One-half mile from Corisco Island, to the south, is the islet Leva, and to the southwest, more than six miles away, is the islet Mbañe; the first of these is uninhabited, and the second is occupied only by an encampment of the Colonial Guard, the purpose of which is to exercise our sovereignty over it.

TRANSLATION



WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Danielle Maxson, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

08/31/21


Date



DESCRIPCIÓN GEOGRÁFICA

Y

GOBIERNO, ADMINISTRACIÓN Y COLONIZACIÓN

 DE LAS

COLONIAS ESPAÑOLAS DEL GOLFO DE GUINEA

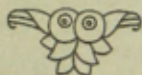
Ilustrada con mapas y planos levantados y reducidos por el Ingeniero de Caminos, Canales y Puertos D. Eduardo Navarro y Beltrán del Río, y con fotografados de las mismas,

POR

Luis Ramos-Izquierdo y Vivar

Caballero de la Orden Militar de Calatrava, de la del Mérito Militar Roja en todas sus categorías, de la de María Cristina, Mérito Naval Roja, de la Civil de Beneficencia y otras.

Ex Subgobernador del Distrito de Bata, en el territorio continental denominado del Muni, y ex Gobernador general de las mismas.

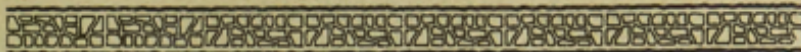


MADRID

IMPRENTA DE FELIPE PEÑA CRUZ

Calle de Pizarro, núm. 16.

1912



CAPITULO IV

Isla de Corisco

Situada á 0° 55' latitud N. y 13° 1' longitud E. de Madrid y á 12 millas del litoral de nuestro territorio continental, ó sea del punto denominado Punta Mosquitos ó Calatrava, y á nueve millas al S. O. de las islas de Elobey-Grande y Elobey-Chico, está situada la isla de Corisco (llamada por los naturales Mangui), la cual presenta una llanura algo mesetada y tiene una superficie de 14 kilómetros cuadrados.

Su costa varía sobre el nivel del mar en una altura de 20 á 25 metros, es abrupta y rocosa, y sus playas de arena muy fina y blanca.

Sus principales altitudes se encuentran en su parte septentrional, no excediendo de 40 metros de elevación sobre el nivel del mar, levantándose al S. O. de la misma un pequeño cerro llamado Ugani.

Tiene numerosos arroyos y en el interior de la misma un gran pantano, situado al mismo nivel del mar en una de las deprecaciones que tiene la isla, y cuyo pantano produce algunas corrientes malsanas.

Flora.—En sus bosques se produce el palo tinte, el bimo, el bokumo, el bambú y el ramio, y sometidos á cultivo se produciría la caña de azúcar, el coco, el tabaco, el algodón, el árbol del caucho, el cacao y otros productos. El cultivo en la actualidad está limitado al de la yuca, bananas y algún cacao.

Su *Fauna* no ofrece nada de especial mención, y el ganado vacuno se criaría muy bueno en los terrenos á propósito que tiene para ello. Hoy, aunque poco, hay algún ganado vacuno, lanar y de cerda.

Sus naturales, pertenecientes á la tribu Benga, que si bien fué una de las más importantes hoy propende á su extinción, son los más civilizados, pero en extremo viciosos. Tienen inteligencia, y en general hablan el castellano y el francés, cuyo último idioma han aprendido en

sus frecuentes excursiones el Gabón francés, de cuyo territorio está esta isla á escasas millas de distancia. En su mayor parte visten á la europea y se dedican al comercio, á tratantes y al servicio de las factorías y de los europeos, son muy aficionados á la mar y muy prácticos en la construcción de embarcaciones.

Las mujeres, no obstante su color negro bronceado, tienen muchas de ellas facciones correctas y buenos cuerpos; visten también, la generalidad, á la europea; pero buen número de ellas suelen llevar un clote de colores muy vivos, que se lo sujetan por debajo del sobaco y les llega hasta los talones á modo de túnica romana, con la cual están más en carácter que vestidas á la europea; se peinan con gran arte, tienen gracia y una dulzura especial al hablar que las hace en extremo simpáticas.

En religión profesan muchos de sus habitantes la católica, no pocos la protestante, y el resto conserva todavía algo de paganismo.

La poligamia es usual en ellos al igual que en los del Continente, conservando todavía algunos de sus antiguos usos, hábitos y costumbres.

Cuando alguien comete una falta ó delito se reúnen también en asamblea los notables de la isla para juzgarlo y administrar justicia, á cuyo acto, al igual que los demás naturales de nuestras posesiones, le denominan «palabra» (juicio).

El campo lo cultivan las mujeres.

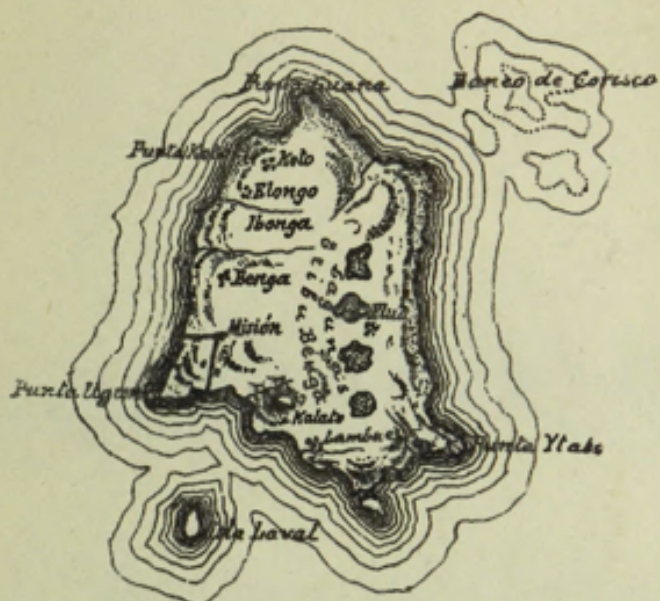
Construyen sus casas de bambú, las cuales no tienen el miserable aspecto que presentan las viviendas de los naturales de nuestra parte continental é islas de Fernando Póo y Annobón.

El jefe de esta tribu, llamado Uganda, tiene mucho prestigio entre los personales de ella y es muy adicto á la causa de España, teniendo su residencia habitual en el pueblo de Lembue.

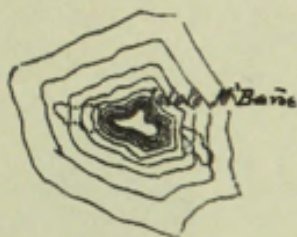
Los padres misioneros del Inmaculado Corazón de María y las religiosas pertenecientes á esta misma Comunidad, establecidos en la isla, tienen, los primeros, una buena residencia; pero no así las segundas, que habitan una mala casa de madera.

Toda la manifestación oficial que hay en la isla es un puesto de la Guardia Colonial.

A media milla de la isla de Corisco, y al S. de la misma, se encuentra el islote Leva, y al S. O., á más de seis millas, el islote N'Bañe; el primero de ellos despoblado, y el segundo ocupado tan sólo por un plantón de la Guardia Colonial, al objeto de hacer en él efectiva nuestra soberanía.



ISLA DE CORISCO
(14 Km.²)



Annex 224

A. Balfour et. al, *Further Report on Tuberculosis and Sleeping-Sickness in Equatorial Africa*,
League of Nations Health Organization (April 1925)

J
2003
1925
no. 14

C. H. 281.

LEAGUE OF NATIONS
HEALTH ORGANISATION

B 418277

709

FURTHER REPORT
ON
Tuberculosis and Sleeping-Sickness
IN
EQUATORIAL AFRICA

BY

ANDREW BALFOUR, C.B., C.M.G., M.D.,
Director of the London School of Hygiene and Tropical Medicine.

E. VAN CAMPENHOUT, M.D.,
Director of the Public Health Service at the Belgian Ministry of the Colonies.

Professor GUSTAVE MARTIN,
*Chief Medical Officer of the Second Class attached to Colonial Troops;
formerly Head of the French Sleeping-Sickness Mission in French Equatorial Africa.*

A. G. BAGSHAW, C.M.G., M.B.,
Director of the Tropical Diseases Bureau, London.

being the Expert Committee appointed by the Health Committee, League of Nations, in 1922.

Submitted to Health Committee at its Fourth Session, April 1925.

Digitized by Google

Original from
UNIVERSITY OF MICHIGAN

The earliest date mentioned is 1902.

B. Continental Spanish Guinea (districts of Elobey and Bata).—Dr. Diaz, of Elobey hospital, has seen five typical cases within the last four years, all from the Muni basin.

The principal focus lies between the R. Utamboni and the other tributaries of the Muni to the south and the R. Beni to the north. In the Muni basin the disease is known to the natives and has wrought havoc among them for many years. The disease is also endemic, though of minor intensity and diffusion, in Utamboni territory from the mouth of the river to Asobla and Mbung, both on Spanish soil and for a short distance into French territory. In Wermakogo the natives call it "Uyo" and there have been recent cases. At Asobla the author was notified of a case that had never left the place. In the Upper Utamboni the disease is still unknown. In Mebonde neither the chief nor the natives were able to give any information about it.

Two extensive zones exist in the territory surrounding the estuary of the Benito (Eyo) and among the tribes inhabiting the banks of the R. Aye. Along the coast from the Benito northwards to Bata the intensity of the disease diminishes, though about Bata (Ekuku) and between that place and the R. Campo (Itika) a few cases occur. On the other hand, the disease completely disappears between Punta M'Bonda and Ngoambang. In all this territory, from N'Tum or Tum to the frontier of the German Cameroons at Ngoambang, the "Pamues" of the Samagunde and Sambira tribes are unacquainted with the disease.

This is thought to be due to the ethnic and commercial relations of the last-named tribes with those of the coast, on the one hand, and of the hinterland of the colony (who come from South and Central Africa), on the other. The hinterland tribes, who largely people the region of the Upper Utamboni and the basin of the Muni, are in direct communication with the people of the French Gaboon, of the immense trypanosomiasis-infected territory of the Congo and its affluents, especially the Sangha. The "Balenques", the "Bapukos", the "Cumbes" and the "Bujebas" of the coast, from Cape San Juan to Bata, maintain constant commercial and personal relations with other infected regions, supplying labour to Fernando Po, the Cameroons, Libreville, the French Congo, and holding intercourse with the severely infected island of Principe. The Samagunde and Sambira "pamues", however, regard the "bujebas" as enemies and hold in open

or covert hostility all the coastal tribes. They keep themselves apart in the interior and have remained free from infection, notwithstanding the presence, even in abundance, of Glossina, including *palpalis*, along all the watercourses of their territory.

It is true that the villages visited beyond N'Tum were situated in the hills at a height where *palpalis* is not encountered, while the villages on the banks of the Utamboni and other tributaries of the Muni were built on the rivers, nearly at water level. At the same time, the hill dwellers are daily obliged to go constantly for water to the rivers in the valleys at the foot of the hills — precisely the spots preferred by *palpalis*. This would indicate, in the author's opinion, either that the pathogenic germ (*T. gambiense*) has never been introduced or that it has met with conditions unfavourable to its development in this region. He cannot otherwise explain the immunity of the Samagunde people. Possibly the explanation lies in the almost total absence of any kind of game — except goats — to form a reservoir for the virus. It is not known whether the banks of the same river Campo or Itembo nearer the sea, in German territory, have yielded cases of human trypanosomiasis.

Glossina, especially *palpalis*, are abundant in all the territories along the rivers Muni, Utamboni, Conguè, Utongo, Utoche, Nañe, Aye, Benito, Ekuku and Emvia.

C. Of the three Spanish islands in the bay, off the Muni estuary, which are inhabited by Bengas in constant relations with the Gabonese of Libreville, the author was unable to visit Corisco and cannot say whether autochthonous cases of sleeping-sickness are found there or if *G. palpalis* is present. No comment is made on Great Elobey. Cases observed in the hospital of Little Elobey have always been imported and no species of Glossina is found there.

The conditions in neighbouring colonies are discussed. The ports engaged in intercourse with Fernando Pó and continental Spanish Guinea are stated to be: Freetown (Sierra Leone), Monrovia (Liberia), Sekondi and Accra (Gold Coast), Lome (Togo), Portonovo and Kotonou (Dahomey), Lagos (Nigeria), Victoria and Duala (Cameroons). All these are in close contact with territories infected endemically with sleeping-sickness. Monrovia is the most dangerous. From there come the majority of labourers — chiefly

Annex 225

Spanish Territories of the Gulf of Guinea, Official Gazette of the Gulf of Guinea Territories
(15 March 1948)

TRANSLATION

Official [emblem] Bulletin
of the
Spanish Territories of the Gulf of Guinea

PUBLISHED ON THE 1ST AND 15TH DAY OF EACH MONTH

YEAR XLII — SANTA ISABEL, MARCH 15, 1948. NUMBER VI

SUMMARY

General Government of the Colony

Ordinance of March 12, 1948 on long-term leasing of lands — Page 58.

Regulation for the School Districts of these Territories — Pages 58 to 60.

Notice granting rights for clearing of industrial plots of land for "Productos Agrícolas y Derivados S.A." — Page 60.

Another one, granting rights for clearing of land at the discretion of indigenous person Pedro Paz — Page 61.

Council of Residents

Edicts — Page 61.

Urban Construction

Announcements of urban plots — Pages 61 to 65.

Main Postal Administration

Announcement on overseas postal communications. — Page 65.

Official and Private Announcements and those of the Administration of Justice. — Pages 65 to 68.

WATER STREET TRANSLATIONS

TRANSLATION

—58—

Official Bulletin of March 15, 1948

General Government of the Colony

ORDINANCE

Doubts have arisen over the interpretation of the Ordinance of this General Government dated October 25 of last year regarding the long-term leasing of land, in relation to what is provided in the General Regulation on Direct Taxes of these Territories, approved by the Order of December 27 of 1946. This is because the first of them states that the leased lands shall pay a fee of 75% of what would correspond to them to pay as a contribution to the State for an urban contribution. On the other hand, the second of them says that the only lands that will be considered urban plots are the lands contained within the urban perimeter of the towns of Santa Isabel, San Carlos, Concepción, Bata, Rio Benito, Kogo, Niefang, Mikomeseng, and Ebibiyin, or of any other that is declared an urban center and whose perimeter is set for tax purposes. Therefore, until said declaration is made, and for purposes of bringing the situation created by the first Ordinance cited above in line with the relations that the leased lands are to have with the Public Treasury for tax purposes, I hereby rule as follows:

Article One. The lands granted through a lease in accordance with the Ordinance of October 25, 1947, shall pay the percentage fee resulting from the bidding process that would be paid by the leased land as an urban contribution, notwithstanding the fact that the contribution to be paid by the lessees shall be the one corresponding to the fiscal reality of the land granted.

Article Two. Given the current development of the Cities of Santa Isabel and Bata, provisionally, and up until the new fiscal registries are approved, the land delimited by a line situated five hundred meters from the urban zone indicated in the most recent roads/fiscal parceling map shall be considered a Zone of Expansion for regulatory purposes, such that lands granted in said Zone shall be considered urban plots and taxed as such.

Article Three. As the new fiscal registries of the various locales of the Colony become approved, or new population centers become designated as urban perimeters, the leased lands shall automatically be reclassified as

urban plots and shall be taxed as such, even though the rent or fee paid on them shall continue to be the same, on account as being calculated on such basis.

Santa Isabel, March 12, 1948,

The Governor General,

Juan Maria Bonelli

Regulation for the School Districts
of These Territories

The current Educational Statute, in several of its foundational points, states the need to establish school districts or school zones (coinciding, to the extent possible, with the territorial divisions) in order to achieve a perfect control and an effective Educational orientation.

To date, problems of various natures, which have now been completely overcome, have impeded the implementation of this educational reorganization, which is so necessary and important for the purposes that are proposed for the current orientation of this Service.

Therefore, we order as follows:

First. The Spanish Territories of the Gulf of Guinea, with respect to their educational organization, are divided into the following School Districts. Those Districts, in a given territorial area, group the Schools situated within them, and shall be governed, depending upon their classification, by Auxiliaries, Teachers, Teachers with an Associate Degree, and Primary School Teachers, whether European or native.

Second. These School Districts are:

A) On the Island of Fernando Poo

1. Santa Isabel, which shall group together the primary and secondary schools of Zaragoza, Basupú, Botonós, Batikopo, Western Basakato, Rebola, (primary and secondary School Group.). All schools of the Capital shall be under the direct control of the Directorship/Inspectorship of Education.

2. San Carlos, with the primary and secondary Schools of the same City; those of Belebú, Balachá, Ureka, Musola, Mueri, and Moka.

3. Laka, with the primary and secondary schools established in that town, those of Basuala, Eastern Basakato, Bariobé, Bososo, Bakake, and Bahó.

B) In Continental Guinea.

1. Bata District, the entirety of which shall be under the direct control of the Assistant Inspector of Education,

WATER STREET TRANSLATIONS

TRANSLATION

Official Bulletin of March 15, 1948

—59—

and which shall group the primary and secondary Schools established in the City and towns of Tika, Punta Mbonda, Asok, Alúm, Yengue, Bindung, and Minkán.

It shall also include those of Corisco and Annobón.

2. Río Benito, which shall group the primary and secondary schools of the same city and those established in the towns of Bolondo, Mongola, Nume, Bitika, Igombegombe, Bonobono, Kogó, and Edjuba.

3. Niefan, which shall group the primary and secondary Schools established in the District capital and that of Mongó.

4. Mikomeseg, with the primary and secondary Schools established in the District capital and in the towns of Mbé, Efulán, and Añisok.

5. Ebebiyín, with the primary and secondary Schools established in Biyabiyán, Okong, Alén, Mongomo, and Nsork.

6. Evinayon, which shall group the primary and secondary Schools established in the District capital and those of Akurenán, Bikurga, and Bisobinám.

Third. In the headquarter city of each School District, which shall always coincide, if possible, with the capital of the respective Territorial Administration, there shall be a District School of both sexes, organized under a School Group regime divided into grades, whose Principal must be a Primary School Teacher, whether male or female and European or native, who shall be in charge of its Secondary School. The remaining grades of the Group (organized in accordance with the legislation in effect) shall be served by Teachers with an Associate Degree from the Escuela Superior Indígena [Native Institute of Higher Education] One of them shall be designated as Secretary of the Administrative Area and of the Group and shall replace the Headmaster/ Principal in his or her absences. In those cases where the Administrative Area is served by a European female Teacher and there is no male Teacher of the same class, the alternate male Teacher over whom she has control shall be in control of the District's primary Schools. In exceptional cases the alternates for any of the Headmasters/Principals may be an Auxiliary/Teacher of recognized solvency and professional formation.

Fourth. All of the newly created Schools, whether primary or secondary, will

be affiliated to the School District in whose territorial area they are located

Fifth. The Headmaster Teachers, as such, shall have the following functions:

a) To interact with the Territorial Administrator and other local Authorities or Bodies of the Demarcation in which the School District is located, on everything over which the School has jurisdiction or which benefits it.

b) They shall be the obligatory channel between the Teachers and the Higher Administration for all administrative issues referring to the Schools. The Headmasters of Continental Guinea shall directly report to the Office of the Assistant Inspectorship of Education.

c) They shall supervise and orient their District's Schools in accordance with the instructions they receive from the Directorship and shall take scrupulous care to ensure compliance with any and all provisions that have been or shall be issued for the functioning of the Service.

They shall be directly responsible to the Directorship/Inspectorship of the State, in general, for the School District entrusted to them.

d) In order to fulfill the duties indicated in the preceding point, they shall visit all the Schools of the District at least three times each school year, on the dates or as indicated to them at the time in question by the Directorship of the Service.

They shall place the mandatory report in the books that the School and the Teacher has for such purposes. Said report shall be sent on printed sheets, which shall be facilitated to them so as to inform their Superiors, and to make a record at the Directorship's branch office.

Headmasters who are overseen by the Assistant Inspectorship shall send their reports in duplicate, so that one copy will be kept on file.

Sixth. In order to ensure the best administrative control of this Service, the Headmaster Teachers shall keep books, as mandated by the regulations, with the Record of incoming and outgoing documents, as well as a warehouse book if there is a deposit of materials at the Headquarters for the District's Schools, as well as the necessary archive files.

Seventh. The Headmaster Teachers shall orient and organize at one the District Schools (especially in the headquarter city) the agricultural orientation camps established as mandatory by Foundational Point VIII of the Educational Statute. For such purposes it shall request the assistance of



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Madeline Rios, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/26/21

Date



Boletín Oficial



de los Territorios Españoles del Golfo de Guinea.

SE PUBLICA LOS DÍAS 1 Y 15 DE CADA MES

AÑO XLII—SANTA ISABEL, 15 DE MARZO DE 1948. NÚMERO VI

SUMARIO

Gobierno General de la Colonia

Ordenanza de 12 de marzo de 1948 sobre arrendamiento de terrenos a largo plazo.—
Página 58.

Reglamento para los Distritos escolares de estos Territorios.—Páginas de 58— a 60.

Aviso concediendo los derechos sobre roturación de solares industriales de terreno a "Productos Agrícolas y Derivados S.A.—
Página 60.

Otro concediendo derechos sobre roturación arbitraria de terreno al indígena Pedro Paz.—
Página 61.

Consejo de Vecinos

Edictos Página.— 61.

Construcciones Urbanas

Anuncios de solares.— Páginas de 61 a 65.

Administración Principal de Correos

Anuncio sobre las comunicaciones postales con el extranjero.— Página 65.

Anuncios oficiales, particulares y de la Administración de Justicia.— Páginas de 65 a 68

Gobierno General de la Colonia

ORDENANZA

Surgidas dudas en la interpretación de la Ordenanza de este Gobierno General de fecha 25 de octubre del pasado año, sobre arrendamiento de terrenos a largo plazo, en relación con lo dispuesto en el Reglamento general de los Impuestos Directos de estos Territorios, aprobado por Orden de 27 de diciembre de 1946, al disponer la primera, que los terrenos arrendados satisfarán en concepto de cánon el 75% de lo que les correspondería pagar como contribución al Estado por contribución urbana, y disponer el segundo que únicamente tendrán la consideración de solares los terrenos enclavados dentro del perímetro urbano de las poblaciones de Santa Isabel, San Carlos, Concepción, Bata, Rio Benito, Kogo, Niefang, Mikomeseng y Ebibiwin, o de cualquier otra que se declare núcleo urbano y se fije su perímetro a efectos fiscales; hasta tanto se lleve a cabo esta declaración y al objeto de compaginar la realidad creada por la Ordenanza citada en un principio y las relaciones que haya de tener los terrenos arrendados con la Hacienda Pública a efectos fiscales, vengo en disponer:

Artículo primero.— Los terrenos que se concedan en arrendamiento de acuerdo con lo dispuesto en la Ordenanza de 25 de octubre de 1947, satisfarán en concepto de cánon el tanto por ciento que resulte de la subasta de lo que pagaría el terreno arrendado en concepto de contribución urbana, sin perjuicio de que la contribución a satisfacer por los arrendatarios sea la que corresponda a la realidad fiscal del terreno concedido.

Artículo segundo.— Dado el actual desarrollo de las Ciudades de Santa Isabel y Bata, provisoriamente y hasta tanto se aprueben los nuevos registros fiscales, se considerará como Zona de Ensanche a efectos reglamentarios, el terreno delimitado por una línea situada a quinientos metros del límite del casco urbano señalado en el último plano viario y parcelario fiscal, de tal modo que los terrenos concedidos en dicha Zona se considerarán solares y tributarán como tales.

Artículo tercero.— A medida que se vayan aprobando los nuevos registros fiscales de las distintas localidades de la Colonia o vayan designándose como perímetro urbanos nuevos núcleos de población, los terrenos arrendados pasarán automáticamente a ser considerados como

solares y a tributar como tales, si bien la renta o cánon que satisfagan continuará siendo la misma, por estar calculada sobre esta base.

Santa Isabel, 12 de marzo 1948.

El Gobernador General,

Juan M^o Bonelli.

Reglamento para los Distritos Escolares de Estos Territorios.

El Estatuto de Enseñanza vigente expone en varias de sus Bases, la necesidad de establecer zonas o distritos escolares (coincidentes, en lo posible, con las divisiones territoriales) a fin de llegar a un perfecto control y a una eficiente orientación de la Enseñanza.

Hasta el presente, razones de diversa índole, hoy salvadas completamente, han impedido el llevar a la práctica esta reorganización escolar tan necesaria e importante a los fines que se propone la actual orientación de este Servicio.

Por ello disponemos:

Primero.— Los Territorios Españoles del Golfo de Guinea, en cuanto a su organización escolar se dividen en los siguientes Distritos escolares que agrupan en una determinada área territorial, las Escuelas enclavadas en el mismo, que están regidas, según su clasificación por Auxiliares Maestros, Maestros Diplomados y Maestros de 1.^a enseñanza, europeos o indígenas.

Segundo.— Estos Distritos escolares son:

A) En la Isla de Fernando Poo

1.^o **Santa Isabel**, que agrupará las Escuelas primarias y elementales de Zaragoza, Basupú Botonós, Batkopo, Basakato, del Oeste, Rebola, (Grupo Escolar, primario y elemental.). Las Escuelas todas de la Capital, estarán bajo el control directo de la Dirección — Inspección de Enseñanza.

2.^o **San Carlos**, con las Escuelas primarias y elementales de la misma Ciudad; los de Belebú, Balachá, Ureka, Musola, Mueri, y Moka.

3.^o **Laka**, con las Escuela primarias y elementales establecidas en el citado poblado; las de Basuála, Basakato, del Este, Bariobé, Bososo, Bakake y Bahó.

B) En la Guinea Continental.

1.^o **Bata**, distrito, que todo él estará bajo el control directo del Subinspector de Enseñanza

y agr
establ
Tika,
dung
Ad
Ann

2.
mar
estab
Num
y Ec

3.
rias
del I

4.
y el
Dist
Añis

5.
elem
Alé

6.
mar
del
Biso

T
esco
ble
Terr
Dist
de

de
euro

Esc
dos

legi
tros
dige
de

Dele
llos
por

tro
a st
tales

supl
res
recc

O
ció

y agrupa las Escuelas primarias y elementales establecidas en la Ciudad y en los poblados de Tika, Punta Mbonda, Asok, Alúm, Yengue, Bindung, y Minkán.

Además tendrá adscritas las de Corisco y Annobón.

2.º **Rio Benito.** que agrupará las Escuelas primarias y elementales de la misma ciudad y las establecidas en los poblados de Bolondo, Mongola, Nume, Bitika, Igombegombe, Bonobono, Kogó, y Edjuba.

3.º **Niefan.** que agrupará las Escuelas primarias y elementales establecidas en la cabecera del Distrito y la de Mongó.

4.º **Mikomeseg.** con las Escuelas primarias y elementales establecidas en la cabecera del Distrito y en los poblados, de Mbé, Efulán y Anisok.

5.º **Ebebiyin.** con las Escuelas primarias y elementales establecidas en Biyabiyán, Okoñg, Alén, Mongomo, y Nsork,

6.º **Evinayon.** que agrupará las Escuelas primarias y elementales establecidas en la cabecera del Distrito y las de Akurenán, Bikurga, y Bisobinám.

Tercero. En la cabecera de cada Distrito escolar, que coincidirá siempre que sea posible con la capitalidad de la Administración Territorial respectiva, existirá una Escuela de Distrito de ambos sexos, organizada en régimen de Grupo Escolar, graduado, cuyo Director ha de ser un Maestro o Maestra de 1ª enseñanza europeo o indígena que tendrá a su cargo la Escuela primaria del mismo. Los restantes grados del Grupo (organizados con arreglo a la legislación vigente) estarán servidos por Maestros Diplomados de la Escuela Superior Indígena. Uno de ellos será nombrado Secretario de la Delegación y del Grupo y sustituirá al Delegado—Director en sus ausencias. En aquellos casos en que la Delegación sea servida por una Maestra europea y no exista Maestro de igual clase, tendrá el Maestro suplente a su cargo el control de las Escuelas elementales del Distrito. En casos excepcionales las suplencias de alguno de los Delegados—Directores podrá recaer en un Auxiliar—Maestro de reconocida solvencia y formación profesional.

Cuarto. Todas las Escuelas de nueva creación, tanto primarias como elementales, serán

adscritas al Distrito escolar en cuya área territorial sean enclavadas.

Quinto. Los Maestros Delegados de enseñanza tendrán, como tales, las siguientes funciones:

a) Relacionarse con el Sr. Administrador Territorial y demás Autoridades u Organismos locales de la Demarcación en que esté enclavado el Distrito escolar, en todo aquello que sea de la competencia de la Escuela o redunde en su beneficio.

b) Serán el conducto obligado entre los Maestros y la Superioridad para todas las cuestiones administrativas referentes a las Escuelas. Los Delegados de la Guinea Continental se relacionarán directamente con la Subinspección de Enseñanza.

c) Vigilará y orientará las Escuelas de su Distrito conforme a las instrucciones que reciba de la Dirección, y há de cuidar escrupulosamente del cumplimiento de cuantas disposiciones se hayan dictado o se dicten para el funcionamiento del Servicio.

Serán responsables directos ante la Dirección—Inspección del estado, en general, del Distrito escolar que se le tiene encomendado.

d) Para cumplir los deberes que señala el punto anterior, visitará todas las Escuelas del Distrito, tres veces por lo menos cada curso, y en las fechas o épocas que les señalará oportunamente la Dirección del Servicio.

De estas visitas dejarán el informe reglamentario en los libros que a estos fines posee la Escuela y el Maestro, informe que elevarán en hojas impresas que les serán facilitadas para conocimiento de la Superioridad y constancia en la dependencia de la Dirección.

Los Delegados dependientes de la Subinspección enviarán sus informes por duplicado al objeto de que en ella, sea archivado un ejemplar.

Sexto. Para el mejor control administrativo del este Servicio, los Maestros—Delegados llevarán los libros reglamentarios de Registro de entrada y salida de documentos; libro de almacén caso de que en la Delegación exista un depósito de material para las Escuelas de Distrito y los legajos de archivo necesario.

Séptimo. Los Maestros—Delegados irán orientando y organizando en alguna de las Escuelas del Distrito (especialmente en la cabecera) los campos de orientación agrícola que establece como reglamentarios la Base VIII del Estatuto de Enseñanza. A tales fines pedirá su ayuda

Annex 226

F.F. Olesa Munido, "Criminal Law Applicable to Indigenous People in the Spanish Territories of the Gulf of Guinea", INSTITUTE OF AFRICAN STUDIES, SUPERIOR COUNCIL OF SCIENTIFIC RESEARCH, Madrid (1953)

TRANSLATION

INSTITUTE OF AFRICAN STUDIES

CRIMINAL LAW

APPLICABLE TO INDIGENOUS PEOPLES
IN THE SPANISH TERRITORIES
OF THE GULF OF GUINEA

FRANCISCO FELIPE OLESA MUÑODO

Professor at the University of Barcelona

SUPERIOR COUNCIL OF SCIENTIFIC RESEARCH

MADRID

1953

[Embossed seal] BOSTON UNIVERSITY
COLLEGE OF LIBERAL ARTS
LIBRARY

WATER STREET TRANSLATIONS

TRANSLATION

IMPLEMENTING ACT OF 1904

The Royal Decree of July 11, 1904 (29), under the heading, *Administration of Justice*, orders that justice be administered on behalf of the King in keeping with the *organization and special provisions governing to that effect*, and it continues *with the laws and precepts applicable to each case* (30). The latter is in reference to the substantive law, which is limited by the statement under the heading, *Rights of Private Persons*, which guarantees respect (no one will be disturbed...) for religious beliefs and *practices, uses and customs* providing they are not contrary to morality (31) and also [respect] for native property in the manner provided by laws, uses and customs (32).

In reference to organizations, it provides for the existence of a Trial and Magistrate's Court, thus in Santa Isabel, and the number of municipal judges (33) that are considered necessary, pertaining to appeals, and, although the decree does not state it, [it also provides for] holding of criminal trials in the cases and manner determined by law; [and for] the Court of Las Palmas, Deputy Governors and the Delegate of the Government in Annobon to administer justice in their respective districts.

When doubts were raised about the extent of the powers entrusted to the latter, they were answered through the Royal Ordinance of January 31, 1907 (34), which ratifies the full scope of judicial functions granted to the deputy governors of Bata and Elobey and to the Delegate of Annobon in their respective districts for as long as the courts continued to be organized as they were at the time and left the most appropriate and swift form of administering justice to the judgment of those authorities and to the circumstances of time and place.

(29) MIRANDA JUNCO, AGUSTÍN: *Leyes Coloniales* [Colonial Laws]. Madrid, 1945. Reference 229.

(30) Article 23

(31) Article 28

(32) Article 31

(33) Under the Royal Ordinance of July 27, 1905, government delegates in San Carlos, Concepción and Asobia have authority in matters of administration of justice, as municipal judges acting pursuant to the legal norms of the Colony.

(34) MIRANDA JUNCO, AGUSTÍN: *Leyes Coloniales* [Colonial Laws]. Madrid, 1945. Reference 254.

TRANSLATION

virtue of Article 257 of the Code of Military Justice that provides for its application to non-military crimes tried under military jurisdiction for reasons of location, among others; and which would be easily rectifiable if those courts of general jurisdiction were to try the infractions under the present law for indigenous peoples.

TERRITORIAL SCOPE OF APPLICATION

The outer boundary of the scope of jurisdiction for indigenous peoples is established in Article 1 of the Implementing Act of Indigenous Justice of 1938, which limits the scope to the Guinean Colony, "...it shall be administered in the Spanish Territories of the Gulf of Guinea," a sociological habitat in which indigenous peoples retain their ethnic way of life. This rule is reaffirmed in Article 2, which organizes the territory for purposes of this justice into two districts: Fernando Poo and Continental Guinea, the latter of which includes the islets of Elobey, Corisco and adjacent islands, and Annobón.

This limiting of jurisdiction to the colonial area alone is also ratified as regards the scope of the jurisprudence set by the Superior Indigenous Court, stipulating that it has this value exclusively *for application within the Colony* (19).

The principle of territoriality is declared in the Congolese Criminal Code (20), stating the correlation between an infraction committed within the territory and the application of Congolese law, which is applied extraterritorially to Congolese indigenous people only exceptionally in the circumstances indicated in that code itself. (21)

In British Africa the custom is to state under the heading, *Territorial Application of this Code*, that the jurisdiction of the territorial courts for the effects of the code extends to any location within the territory (22) and that the codes for territories bordering on the coast, such as Gambia and Tan- [text ends here]

(19) Article 19

(20) Article 2 of the Congolese Criminal Code

(21) Article 3 of the Congolese Criminal Code

(22) Article 6 of the Criminal Code of Nyasaland; Article 6 of the Criminal Code of Northern Rhodesia



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Laura Pohlig, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'K G Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/26/21

Date



INSTITUTO DE ESTUDIOS AFRICANOS

DERECHO PENAL

APLICABLE A INDIGENAS EN
LOS TERRITORIOS ESPAÑOLES
DEL GOLFO DE GUINEA

FRANCISCO FELIPE OLESA MUÑIDO

Profesor de la Universidad de Barcelona

CONSEJO SUPERIOR DE INVESTIGACIONES CIENTIFICAS
M A D R I D

BOSTON 1953 UNIVERSITY
COLLEGE OF LIBERAL ARTS

ESTATUTO ORGANICO DE 1904

El Real Decreto de 11 de julio de 1904 (29), bajo el epígrafe *Administración de Justicia*, ordena que en nombre del Rey ésta se administre con arreglo a la *organización y disposiciones especiales que al efecto rijan*, y continúa, y a las *leyes y preceptos que sean de aplicar en cada caso* (30), referencia esta última a la norma substantiva, limitada en virtud de la declaración formulada bajo el epígrafe *Derechos de los particulares*, que garantiza el respeto (nadie será molestado...) a las opiniones religiosas y a las *prácticas, usos y costumbres* mientras no sean contrarias a la moral (31) y también a la propiedad indígena en la forma que prevengan las leyes, usos y costumbres (32).

En cuanto hace referencia a órganos, dispone la existencia de un Juzgado de Primera Instancia y de Instrucción, por lo tanto, en Santa Isabel y el número de Jueces Municipales (33) que se considerase necesario, correspondiendo las apelaciones, y aunque no lo diga el Decreto, también la celebración de juicios orales, en los casos y formas determinados por las leyes, a la Audiencia de Las Palmas; los Subgobernadores y el Delegado del Gobierno en Annobon administran justicia en sus respectivos distritos.

Suscitadas dudas sobre la extensión de las facultades confiadas a estos últimos apareció para su resolución la R. O. de 31 de enero de 1907 (34), que ratifica en toda su amplitud la atribución de funciones judiciales a los Subgobernadores de Bata y Elobey y al Delegado de Annobon en sus respectivos distritos, en tanto subsistiese la entonces vigente organización de Tribunales y dejando a la discriminación de dichas autoridades y a las circunstancias de lugar y tiempo la forma más conveniente y rápida de administrarla.

(29) MIRANDA JUNCO, AGUSTÍN: *Leyes coloniales*. Madrid, 1945. Referencia 229.

(30) Artículo 23.

(31) Artículo 28.

(32) Artículo 31.

(33) Los Delegados del Gobierno en San Carlos, Concepción y Asobla tienen, con arreglo a la R. O. de 27 de julio de 1905, atribuciones en materia de administración de justicia, de jueces municipales con sujeción en su ejercicio a las normas jurídicas de la Colonia.

(34) MIRANDA JUNCO, AGUSTÍN: *Leyes coloniales*. Madrid, 1945. Referencia 254.

virtud del artículo 257 del Código de Justicia Militar que dispone su aplicación en los delitos no militares juzgados bajo fuero de guerra, por razón, entre otros casos, de lugar; y que sería fácilmente subsanable si dichos Tribunales no ordinarios juzgasen las infracciones con arreglo al Derecho vigente para indígenas.

AMBITO TERRITORIAL DE APLICACION

El ámbito limitativo externo, territorial, de la jurisdicción para indígenas queda fijado en el artículo 1.º del Estatuto Orgánico de Justicia Indígena de 1938 que lo circunscribe a la Colonia guineana, «...se administrará en los Territorios Españoles del Golfo de Guinea», *habitat* sociológico en que persiste como realidad étnica el indigenato. Criterio que reafirma el artículo 2.º, que organiza el Territorio en relación a esta justicia en dos distritos: Fernando Poo y Guinea Continental, comprendiendo éste último además los islotes de Elobey, Corisco e islas adyacentes y Annobón.

Esta restricción de jurisdicción al solo espacio colonial se ratifica asimismo en cuanto al alcance de la jurisprudencia sentada por el Tribunal Superior Indígena, disponiendo tenga ésta valor exclusivamente *para su aplicación dentro de la Colonia* (19).

El principio de territorialidad es declarado en el Código Penal congolés (20), señalando la correlación entre infracción cometida en el territorio y aplicación de la Ley congoleza, que sólo por excepción se aplica extraterritorialmente a los indígenas congolezes en los supuestos que el propio Código señala (21).

En Africa británica se acostumbra a declarar bajo el epígrafe *Aplicación territorial de este Código*, que la jurisdicción de los Tribunales territoriales a los efectos del Código se extiende a cualquier lugar dentro del mismo (22) y que los Códigos de territorios con frontera litoral como Gambia y Tan-

(19) Artículo 19.

(20) Artículo 2.º del Código Penal congolés.

(21) Artículo 3.º del Código Penal congolés.

(22) Artículo 6.º del Código Penal de Niasalandia, artículo 6.º del Código Penal de Rodesia del Norte.

Annex 227

H. D. Hedberg, "Summary of Wildcat Drilling in 1959" *Petroleum Developments in Africa*
(1959)

PETROLEUM DEVELOPMENTS IN AFRICA

1139

SUMMARY OF WILDCAT DRILLING IN 1959

Operator	Well Name	Location	Date Spudded	Date Completed	Total Depth Feet 12-31-59	Remarks
Stan-Vac	Dagah Shabel-1	10°10'34"N 40°17'08"E	11-28-58	3-12-59	4,500	NFW Oil & gas shows
Stan-Vac	Dagah Shabel-2	—	6-8-59	8-17-59	4,768	NFW D & A
Stan-Vac	Dagah Shabel-3	—	9-1-59	11-10-59	4,952	NFW D & A
Stan-Vac	Biyo Dader-1	10°25'20"N 45°26'15"E	11-6-59	—	3,200	NFW Drilling
Stan-Vac	Las Dureh-1	10°12'00"N 46°04'00"E	12-11-59	12-21-59	700	Slim hole D & A
BP	Berbera-1	—	11-59	12-59	2,530	NFW Gas show

TOTAL FOOTAGE DRILLED IN 1959

	Footage	Number of Rigs Operating 12-31-59
All wildcats	22,367*	3

* Includes stratigraphic drilling.

PARTY-MONTHS OF GEOLOGICAL AND GEOPHYSICAL EXPLORATION IN 1959

Type of Work	Stan-Vac	BP	Total
Surface geology	7	9.5	16.5
Seismograph	—	1.5	1.5
Structure drill	—	1.5	1.5

border of the Paleozoic Taoudeni basin was performed by Société Africaine des Pétroles (SAP) and Société des Pétroles du Sénégal (SPS).

PARTY-MONTHS OF GEOLOGICAL AND GEOPHYSICAL EXPLORATION IN 1959

Type of Work	SAP	SPS	COPELCO	Total
Surface geology	5	3	9.5	8.5

SOUTH WEST AFRICA

D. Coghill of Walvis Bay reports that although there are 9 oil concessions in South West Africa, there has been little or no prospecting for petroleum in this country in 1959. (It is reported in the press that an airborne magnetometer survey was carried out over a concession area between Walvis Bay and Luderitz in September-October, 1959.)

SOUTHERN RHODESIA

The director of the Geological Survey at Salisbury has reported that there was no activity in Southern Rhodesia in 1959 in connection with petroleum exploration.

SPANISH GUINEA

(By GLEN W. LEDINGHAM, Gulf Oil Corporation)

Gulf and Compania Española de Petroleos S.A. (CEPSA) conducted a 1-month field geological reconnaissance survey of the country during 1959. These companies filed jointly on 2 permit areas totaling 288,163 acres, and a concession grant to them of these areas was approved by the Council of Ministers on November 19, 1959.

SPANISH SAHARA

(By GLEN W. LEDINGHAM, Gulf Oil Corporation) (Fig. 12)

The Spanish Government conducted an airborne magnetometer reconnaissance survey of approximately 2 months' duration, which data were sold to interested oil companies. A 1½-month

the western part of the coastal plain near Zeila and 3 shallow slim-holes were drilled in that neighborhood for interpretation of seismic results. A series of 5 stratigraphic holes was started toward the end of the year. The first one, Berbera-1 (southwest of Berbera) stopped at 2,530 ft. Rogers Geophysical Co., Ltd., for the account of BP, drilled 3 shallow holes during the year: 1 near Cape Maskan (461 ft.), 1 near Zeila (610 ft.), and a third in the southeastern part of Cape Maskan (550 ft.).

BP Exploration Company, Ltd. renewed its lease of the Berbera-Zeila coastal plain for another year and in November took up an exploration license over approximately 13,120,000 acres in the coastal area (with offshore rights) in north-east Somaliland Protectorate.

Land and marine seismic surveys are to be undertaken by BP along the Somaliland coast and structure drilling in both the east and west concession areas. Stratigraphic studies are being carried out in the northeast area.

SOMALILAND (French)

There is no report of petroleum development activities in French Somaliland in 1959.

SUDAN (Member of French Community)

(By M. TENAILLE and A. DE SPENGLER, SAP)

Field geology reconnaissance of the southern

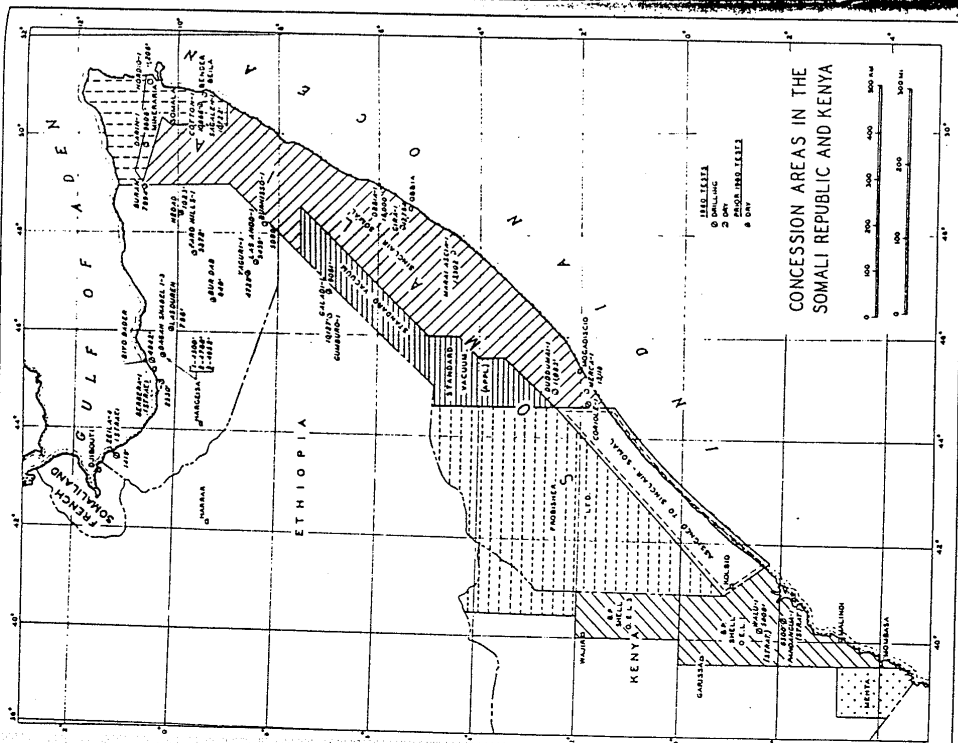


FIG. 11.—Somali Republic: petroleum developments.

SOUTH WEST AFRICA

D. Coghill of Walvis Bay reports no developments of interest with respect to petroleum exploration.

Press reports state that a 90,000 square mile concession in the northern part of the country was granted to Ethosia Petroleum Company, a wholly owned subsidiary of Texas Eastern Transmission Corporation. Likewise, the press has indicated that a concession has also been granted to Artnell Exploration Company of Chicago.

SPANISH GUINEA

(By GLEN W. LEDENHAM, Gulf Oil Corp.) (Fig. 4)
 Spanish Gulf Oil Company and Compania Espanola de Petroleos, S.A. were jointly awarded 2 permit areas in late 1959. Exploration in 1960 consisted of 5 party-months of surface geology, 2½ party-months of offshore seismic work, and 1 party-month of airborne magnetometer surveying. All of the offshore portions of the concession were covered by the seismic survey and both the land and water areas were covered by the airborne magnetometer survey. These data are now being evaluated to guide further exploration in the region.

PARTY-MONTHS OF GEOLOGICAL AND GEOPHYSICAL EXPLORATION IN 1960

Type of Work	Party-Months
Surface geology (airborne)	2½
Magnetometer (airborne)	1

SPANISH SAHARA

(By GLEN W. LEDENHAM, Gulf Oil Corp.; additional comments by J. M. RIOS, ADARO) (Fig. 12)

1960 saw the commencement of concentrated exploration in the Spanish Sahara. During the year the Spanish Government awarded a total of 42 quadrículas to 10 groups of operators. These are shown on the accompanying map. By year-end all the groups had commenced some sort of exploration program, ranging from surface geology through geophysics to structure drilling. The accompanying table shows these operations by party-months for the various operating groups.

Only one rig capable of drilling to significant depths was in operation in Spanish Sahara during the year. It was under contract to the Spanish Gulf Oil Company-Compania Espanola de Petroleos, S.A. group and by year-end had completed 2 exploratory tests and was drilling on a third for total of 9,831 ft. drilled or cored and logged during

the year. The third exploratory test is now completed and these wells with total depths are listed at the end of the report. Structure drilling by Phillips Oil Company and Union Oil Company was carried out with a seismic drill with none of the holes reaching a significant depth. At the end of the year Union was preparing to start deep drilling on Block-1 near the Atlantic coast.

It is anticipated that exploration by all operators will continue at an increasingly high tempo during 1961 with several more rigs being moved into the country for exploratory drilling.

It is interesting to note that Compania Insular del Nitrogen S.A. completed construction of and started operating a petrochemical plant on the island of Gran Canaria during 1960. The location of this plant is shown on the attached map. The 60,000 b/y Compania Espanola de Petroleos S.A. refinery, which has long been established on the island of Tenerife, is also shown on the map.

Professor J. M. Rios comments that on the basis of areal geology Spanish Sahara can be divided into three main units: the Precambrian area in the southeast, the Paleozoic area bordering the Precambrian on the west and occupying the northeastern part of the country, and the Hamada formations (Cretaceous, Eocene, and Neogene) forming a broad belt along the entire coast and extending toward the interior in unconformable overlap on the older groups. According to Professor Rios, the Paleozoic attracts maximum interest because of the more important sedimentary thicknesses involved and also because of its structural setting while the possible attractiveness of the Hamada zone depends, to some extent, on the as yet unknown conditions existing below the unconformity at the base of these formations and the extent to which Paleozoic formations may have been preserved below this cover. An aeromagnetic survey by the Direccion General de Minas y Provincias Africanas has suggested that sedimentary thicknesses in the Hamada zone range from 6,000 to 15,000 ft.

SUMMARY OF WELL COMPLETIONS FOR 1960

Exploratory wells	Oil	Gas	Dry	Total	% Shale
0	0	0	1	1	0

TOTAL FOOTAGE DRILLED IN 1960
 Number of Rigs Operative 12-31-60
 Porenet 9,831
 All wildcats

1738 Larry D. Littlefield

Table 14. Production in Congo (Brazzaville)

	1967	1968	Com. Total to 12/31/68
Oil (bbl)	376,046	308,830	5,327,818

On January 17, the Congo Government refused the request, presented by SPAFE in 1967, to renew the Pointe Noire offshore permit. On October 17, the Pointe Noire Grands Fonds permit, of 4,100 km², was awarded to ERAP (ELF), and the Madingo offshore permit, of 3,415 km², was awarded to AGIP. Both new permits are valid for 5 years and are renewable for 2 additional 5-year periods.

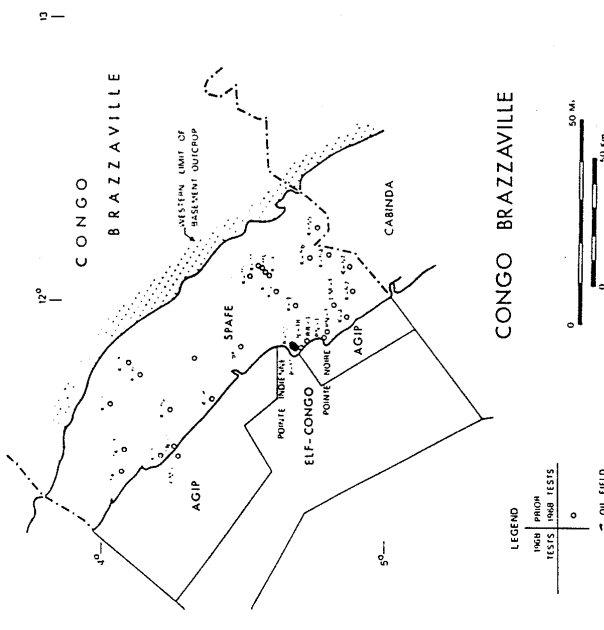


Fig. 7.—Congo Brazzaville, petroleum developments.

Developments in Central and Southern Africa in 1968 1739

Table 15. Completion Summary for Dahomey, 1968

Oil	Gas	Dry	Total	% Success
1	0	1	2	50

The Dahomey Offshore No. 2a, a confirmation well to file DO-1 discovery, was drilled to 9,076 ft (2,767 m) and tested oil at a noncommercial rate. An onshore gravity survey was begun early in 1969 and further offshore exploratory drilling is planned. Union's contract with the Republic of Dahomey, effective December 1964, covers the homey, temporarily on February 18.

as well as production since then
1968

EQUATORIAL GUINEA (RIO MUNI)

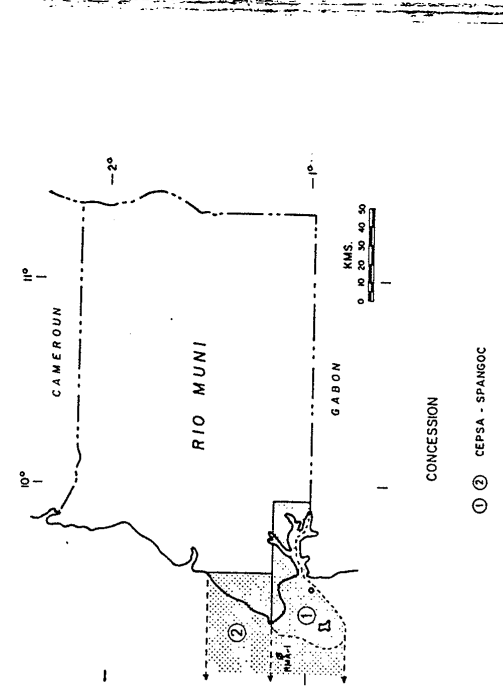


Fig. 8.—Equatorial Guinea, petroleum developments.

Annex 228

“Gabon-Equatorial Guinea: Next Meeting on 30 September,” *Fraternité Matin: Le Grand Quotidien Ivoirien* News (20 September 1972)

TRANSLATION

8th Year No. 2355
 WEDNESDAY
 SEPTEMBER 20
 1972
 Management – Editing –
 Administration
 Bd. Du Générale de Gaulle, Abidjan
 B.P. [PO Box] 1807 – Phone: 37-
 44-52-53-54
 Advertising: Agence Havas –
 Abidjan
 B.P. 1315 – Phone 22-61-78
 No. 25 F.

Fraternité

The major daily [newspaper]
 General Manager: [illegible]

[illegible]

GABON-EQUATORIAL GUINEA

Next meeting on
 September 30

LIBREVILLE — The Kinshasa summit meeting between Presidents Albert Bernard Bongo and Francisco Macias Nguema took place under very good conditions thanks to Presidents Mobutu Sesé Séko and Marien Ngouabi, but “we have not found a middle ground,” said President Bongo in a press conference he held late in the afternoon upon his return to Libreville.

“It was suggested to me to leave the M’Banie island. I said: I am there. I am staying there,” said the Gabonese Head of State, which was met by applause from those present.

In this press conference, President Bongo also said, “**There has been some good and some bad, good because the spirit in which our work has developed has been constructive. Bad because small lies have been told. They are, however, things that have occurred before the Kinshasa summit and we have no need to revisit them.**”

President Bongo also indicated that France and Spain would be asked to specify the terms of the convention that these two countries signed on June 27, 1900, establishing the status of the islands off the coasts of Gabon and Equatorial Guinea. “Otherwise,” he added, “I will interpret this convention as I understand it.”

When this information is provided, Presidents Bongo and Macias-Nguema will meet again, this time in Brazzaville, in principle before September 30.

The Gabonese Head of State indicated that he approached the Kinshasa discussions, as always, in the spirit of dialogue, tolerance and peace. It is in this spirit that he asked Presidents Ngouabi and Macias-Nguema to accompany him Monday evening to Libreville, and proposed to go to Santa Isabelle himself tomorrow.

But President Ngouabi was detained due to important domestic problems and President Macias-Nguema recused himself and returned directly to Equatorial Guinea.

“To summarize the Gabonese position,” President Bongo concluded, and was met by applause, “for me it is not a matter of ceding even one inch of our national territory.”

A large crowd met the Head of State at the Léon Mba airport, and cheered him all the way to the *bâtiment d’honneur* [legion of honor building] where the press conference was held. A cabinet advisor was to meet at the renovation palace that evening.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

07/28/21

Date



8ème Année N° 2355
MERCREDI 20
SEPTEMBRE
 1972

**Direction - Rédaction -
 Administration**
 Bd. du Général de Gaulle Abidjan
 B.P. 1807 - Tél. 37-44-52-53-54
Publicité Agence Havas - Abidjan
 B.P. 1315 - Tél. 22-61-78

Le N° 25 F.

Fraternité

le grand quotidien
 DIRECTEUR GENERAL : HENRI OUMBOUMBA

GABON-GUINEE EQUATORIALE

Prochaine concertation le 30 septembre

LIBREVILLE — La rencontre au sommet de Kinshasa entre les présidents Albert Bernard Bongo et Francisco Macias Nguema s'est déroulée dans de très bonnes conditions grâce aux présidents Mobutu Sesé Sé-

ko et Marien Ngouabi, mais « nous n'avons pas trouvé de terrain d'entente » a déclaré le président Bongo au cours d'une conférence de presse qu'il a tenue en fin d'après-midi à son retour à Libreville.

« On m'a suggéré de quitter l'île de M'Banié. J'ai dit : J'y suis, j'y reste », a dit le Chef de l'Etat Gabonais sous les applaudissements des personnalités présentes.

Dans cette conférence, a encore dit le président Bongo, « Il y a eu du bon et du mauvais. Du bon, parce que l'esprit dans lequel se sont déroulés nos travaux a été très constructif. Du mauvais, parce qu'il y a eu de petits mensonges. Mais ce sont des choses qui se sont passées avant le sommet de Kinshasa et nous n'avons pas à y revenir.

Le président Bongo a indiqué d'autre part qu'il serait demandé à la France et à l'Espagne de préciser les termes de la convention que ces deux pays ont signée le 27 juin 1960 fixant le statut des îles situées sur les côtes du Gabon et de la Guinée équatoriale. « Faute de quoi, a-t-il ajouté, j'interpréterai cette convention comme je l'entends ».

Lorsque ces précisions auront été fournies, les présidents Bongo et Macias-Nguema se réuniront à nouveau, cette fois à Brazzaville et en principe avant le 30 septembre.

Le Chef de l'Etat gabonais a indiqué qu'il avait abordé les entretiens de Kinshasa, comme toujours dans un esprit de dialogue, de tolérance et de paix. C'est dans cet esprit qu'il avait demandé aux présidents Ngouabi et Macias-Nguema de l'accompagner lundi soir à Libreville, proposant de se rendre lui-même demain à Santa

Isabelle. Mais le président Ngouabi a été retenu par des problèmes intérieurs importants et le président Macias-Nguema s'est recusé et a regagné directement la Guinée Equatoriale.

« Résumant la position gabonaise, le président Bongo a conclu sous les applaudissements : « Il n'est pas question pour moi de céder un pouce de notre territoire national ».

Une foule nombreuse avait accueilli le Chef de l'Etat à l'aéroport Léon Mba et c'est sous les ovations qu'il a gagné le bâtiment d'honneur qu'il a tenu sa conférence de presse. Un conseil de cabinet devait se réunir dans la soirée au palais rénovation.

Annex 229

News Article, "Dateline Africa: Gabon Frontier Dispute Settled," *West Africa*
(29 September 1972)

Dateline Africa

GABON

Frontier dispute settled

President Bongo has announced that the frontier dispute between Gabon and Equatorial Guinea had been settled, following his meeting in Kinshasa with President Francisco Macias of Equatorial Guinea. The two Presidents had been invited to Kinshasa by President Mobutu of Zaire and President N'gouabi of Congo-Brazzaville. The four leaders decided to set up a commission of representatives from each of the four states to draw up measures to settle any remaining differences on a peaceful basis. A meeting to consider the report of the commission would be held in Brazzaville as soon as possible. The role of mediation was assigned to Zaire and Congo by the recent Central and East African summit meeting in Dar es Salaam.

President Bongo had earlier gone to the UN Security Council to complain of incidents provoked by Equatorial Guinea on Mbanie and Cocotiers (two small islands off the Gabonese coast), and Equatorial Guinea had called for a Security Council meeting on what it called Gabon's occupation of the islands of Corisco, Elobey Grande and Elobey Chico. The government in Bata had lost contact with the people of the islands, said the complaint. Gabon had also stationed warships in the Rio Muni estuary, it was claimed. After a meeting of the African group at the UN, however, it was agreed that since there was already a mediation, under OAU auspices, there was no need to raise the matter at the UN.

In an interview President Bongo said



Presidents Bongo and Houphouet-Boigny and Gabonese military cadets in Abidjan

that he had made several attempts to settle differences with President Macias, but had been spurned in an unfriendly fashion. He had been concerned at the number of Equato-Guinean refugees arriving in Gabon, many of whom had been molested because of "family ties" in Gabon. President Macias had also refused an invitation to attend Gabon's 12th anniversary celebrations on August 17, and had refused a Gabonese offer to declare a neutral zone.

Gabon's claim to Mbanie and Cocotiers was based on the 1900 treaty between France and Spain, which had fixed the land frontier between Rio Muni and Gabon at the first parallel north. At sea the treaty accorded the islands of Corisco and the two Elobeyes to Spain, although they were south of the parallel and only a few miles from the Gabonese coast. Gabon did not claim them, although they constituted "an enclave in our territorial waters", but Gabon would never agree to turn the other islands over to Equatorial Guinea. The Nigerian fishermen who had been coming into Gabon in recent weeks complaining of molestation in Rio Muni could stay there until the government in Lagos arranged for their repatriation.

President Bongo subsequently visited Ivory Coast to attend the passing out of Gabonese cadets from the Ivory Coast military school, and to brief President Houphouet-Boigny on the dispute at Yamoussoukro. Speaking on arrival in Abidjan President Bongo recalled the African saying that when somebody has been murdered, the man who weeps

loudest is the murderer. This had been illustrated by President Macias' appeals to the UN and the OAU. He denied the Equato-Guinean charge that Gabon had seized any Guinean territory. On the contrary the Guinean forces had made "armed incursions" into Gabon. He said the Guinean leader was making outcries because his conscience was uneasy. He accused President Macias of refusing dialogue, invited journalists to visit the contested region and said that the dispute would be on the agenda of the next OAU summit. He also described Mbanie and Cocotiers as "just sandbanks" and denied that any oil had been found in the area.

Semi-official sources in Madrid said that Spain backed Equatorial Guinea in the dispute. Since, as former coloniser of Fernando Po and Rio Muni she had sovereignty over the islands, Spain considered that Equatorial Guinea also had sovereignty over them. But she favoured a peaceful negotiated solution to the islands question. Equatorial-Guinea Public Works Minister Jesus Oyono Mba had talks in Madrid on the crisis on his way to Talca.

However, when he returned to Libreville, the radio reported him as saying that no conclusive agreement had been reached in Kinshasa, as he had been asked to withdraw his gendarmes from one of the islands concerned. He had refused to do so and pointed out that the island belonged to Gabon. France had been asked to make available the document signed with Spain about the sovereignty of the disputed islands.

Just after the Kinshasa talks the UN published a diplomatic note it had received from Equatorial Guinea saying that it "will not accept... the unilateral extension by the government of the neighbouring Gabonese Republic of its territorial waters to 100 nautical miles".

FRENCH AID A new phase?

M. Pierra Billecocq, the newly-appointed French Secretary of State for Co-operation, has been visiting Ivory Coast, Togo, Dahomey, Mauritania and Mali, as part of a number of fact-finding visits he is due to make in coming months. In Abidjan he said: "Franco-African co-operation is getting its second wind and entering a new phase", adding "we want our action to engender others because the needs of our African friends are increasing with rising standards of living". In Lomé he said that ten years after independence France was now revamping its co-operation to meet new needs and a new situation. "When you are a father you do not treat in the same way a small child and a child who has become adult". President Pompidou had decided "in co-operation with our African friends, to apply a new approach to problems, a new style and a new way of considering men and Franco-African events". In Cotonou M. Billecocq conceded that some of France's agreements with her African partners had become out of date and should be revised and re-adapted.

GHANA Two-Year

Budgets will every two "programme", introducing the budget. An ir some economi cuts made by presented last

To meet an some (20m. would not res external aid taxes. The n charge for c premium bor pong annou surplus and s government's imports of fo be produced exports and of the budget

- The Gre (NUGS) str support of t loan scheme strators mar placards p financial p Redemption Council to the 1972- students lat Col. Achea establish a "ominous a who would fail in her The resolu negotiation timber inc nationalist

- Ghana 19.3m. ce June, accor released t Statistics.. amounted exports we show that worth of edis-worlt months of of 18m. 244.5m. 226.5m. c

- Dr. Secretary for Africa: Secretary discuss w humanita Asians. D said to h to obtain consider for the months c of ary

Annex 230

A. Oye Cukwurah, “The Organization of African Unity and African Territorial and Boundary Problems: 1963-1973”, 13 *The Indian Journal of International Law* (1973)

THE
INDIAN JOURNAL
OF
INTERNATIONAL LAW

A QUARTERLY



VOLUME 13
1973
OFFICIAL ORGAN
OF
THE INDIAN SOCIETY OF INTERNATIONAL LAW

7-8, Scindia House
New Delhi-110001

THE ORGANISATION OF AFRICAN UNITY AND AFRICAN TERRITORIAL AND BOUNDARY PROBLEMS : 1963-1973

A. OYE CUKWURAH*

The Organisation of African Unity (OAU) plans to mark the first ten years of its chequered existence during the forthcoming conference of Heads of State and Government to be held at Addis Ababa, Ethiopia, its birth place and headquarters. Some thirty-one States (most of them newly independent) had participated in the foundation conference of the OAU in 1963; but today, if every member State attends the 10th anniversary meeting, Addis Ababa shall play host to forty-one independent African States.

It is against this background that we wish to review the role of the OAU in a very sensitive area which over the past decade constituted a major source of inter-State dispute and armed conflict in Africa. On the one hand, the movement towards continental unity has brought together these States with varying colonial experience under a common cause. On the other hand, the urge in each State to keep intact the territory which it inherited and possibly to recover portions of it which by accident of history had been lost to other neighbouring States, has introduced within the continent a situation seemingly irreconcilable with the larger theme of African unity. More often than not, States parties to territorial or boundary problems were so preoccupied with their immediate claims that for them the question of continental unity seemed to fade into the background as a secondary matter. Such negative attitude as well as other internal and external forces had seriously worked against the efforts of the organisation as a regional instrument of peace and progress. In 1963, so, too, ten years after, territorial and boundary disputes featured and have continued to feature prominently in the proceedings of the OAU. For instance, one of the key issues that may be discussed at this year's meeting is a possible OAU intervention in the resumed territorial and boundary dispute between Somalia and Ethiopia in the Ogaden Area. As we show below, a recent discovery of gas and a hint of oil presence in this region long claimed by Somalia where almost all the inhabitants are Somali, seem to have revived a dispute which the parties had mutually laid to rest.

I. TERRITORIAL AND BOUNDARY CLAIMS

There is a recognisable difference between territorial and boundary claims.¹ The one concerns the acquisition of sovereignty² *per se* over an area and the

* Of Department of International Law & Jurisprudence, Faculty of Law, University of Nigeria, Enugu Campus.

1. Cukwurah, A.O., *The Settlement of Boundary Disputes in International Law* (Manchester University Press, 1967), p. 6.
2. Jennings, R.Y., *Acquisition of Territory in International Law* (Manchester University Press), 1963.

other determines the limits of that sovereignty. In words strongly underlining the generic relationship between territorial and boundary matters and at the same time maintaining the fine distinction between them, Max Huber, in the *Island of Palmas case*,³ stated that—

Territorial sovereignty is, in general, a situation recognised and delimited in space, either by so-called natural frontiers as recognised by international law or by outward signs of delimitation that are undisputed, or else by legal engagement entered into between interested neighbours...

This fact explains why at times details of a particular territorial claim are equally relevant in illustrating the main features of its boundaries. Similarly, when two States make conflicting boundary claims an area of controvertible jurisdiction usually lies in between the claim lines; but the existence of such a geographical phenomenon does not *ipso facto* convert what is in essence a boundary dispute into a territorial claim.

Perhaps, the one instance in which we can have a fusion of the two types of claims is in what is generally known as *revindication*, a situation which obtains when, for example, a State attempts to reclaim as its own a portion of a neighbouring foreign land which might have been lost in the past when the fortunes of that State were low. *Irredentism* is a feature of revindication.

The doctrine of revindication, though not exactly by name, has been invoked on several occasions in Africa and has brought about major boundary controversies in the continent. The instances which readily come to mind are Morocco's claims to the Spanish Sahara and formerly to the whole of Mauritania; the latter claim seems to have been dropped finally. Similarly, the boundary disputes between the Somali Republic and her neighbours (Ethiopia, Kenya, and the French colony of the Afars and Issas) involve, as we show below, salient aspects of revindication symbolised by the Somali Republic's movement for the restoration of *Greater Somalia*, the territorial area of which has never been clearly defined. It is claimed to include, however, parts of Ogaden and Hand in Ethiopia, most of the Northern Frontier District of Kenya and the Territory of the Afars and Issas or French Somaliland.⁴

At the OAU Foreign Ministers' Conference at Addis Ababa, in May 1963, the then Somali Foreign Minister, Abdullahi Issa, told the gathering that his country wanted a *Greater Somalia*, set up within an East and Central African Federation embracing the Somali Republic, Ethiopia, Kenya and the French Somaliland.⁵ The Somali Republic argues in support of her claims that the Somali nation was homogeneous until it was divided by the colonial powers in the 19th century. In pressing its own case, therefore, the Somali Republic is

3. *The Island of Palmas Case* (1928), in L.C. Green, *International Law Through the Case* (2nd Edition, 1959), p. 350; see also *A.J.I.L.*, 22 (1928), p. 867.

4. *The Times* (London), 14 March 1963, p. 10.

5. *International Organisation*, vol. xvii (1964), p. 527.

indirectly calling for a re-unification of all ethnic groups in Africa which like the Somalia were similarly truncated by past colonial partitions. Such ethnic groups include the Ewes, the Yoruba, the Massai and the Makonde ethnic groups.

No doubt, there are bound to be changes in the map of Africa as there have been in the map of Europe over the centuries,⁶ and indeed, many marginal modifications have already taken place. But whether these changes in the pattern idealized by *Greater Somalia* will bring about logical and lasting solution to the territorial questions of Africa seems, at best, to lie within the realms of fantasy.

We may add that whenever the issue of revindication has arisen in Africa it has invariably been coupled with the fate of minority groups or the right to self-determination under international law.⁷ But African States do not consider these other matters in isolation or exclusive of boundary and territorial questions as a whole. In effect, the OAU seems to have adopted a policy on boundaries which as we show later rejects all claims to self-determination by separatist groups within an already independent African State. Accordingly, secession is anathema to the Organisation.

Finally, it must be pointed out that in this paper we propose to confine our discussion to territorial and boundary problems proper. We shall, therefore, exclude ancillary matters like smuggling across international boundaries and other border incidents which are only relatively connected with the character and location of boundaries.

II. THE NATURE OF AFRICAN BOUNDARIES

One of the remarkable features of independent Africa today is its legacy of ill-defined colonial boundaries.⁸ As Ian Brownlie⁹ has rightly observed, the European expansion in Africa produced a territorial division which bore little or no relation to the character and distribution of the populations of the former colonies and protectorates. Thus, the international boundaries now inherited by the newly independent African States were arbitrarily imposed by ex-colonial European powers. Many of these boundaries cut across ethnic groups and override the dictates of geography and economics. Ethnic groups like the Ewe in West Africa and the Masai and Makonde in East Africa "had their lands

6. On changes to the map of Europe, see Louis C.D. Joos: "Are National Frontiers Natural Frontiers", in *European Community*, March 1973, pp. 20-22.

7. See Umuzurike, *Self-Determination in International Law* (Archon Books, Hainden, Connecticut, USA).

8. Raymond F. Betts, *The "Scramble" for Africa—Causes and Dimensions of Empire* (D.C. Heath and Company, Boston, U.S.A., 1966); see also Hertslet, *Map of Africa by Treaty*, vols. 1, 2, 3, Third Edition (Reprinted, 1967, by Frank Cas & Co. Ltd., London).

9. Ian Brownlie, *Basic Documents on African Affairs* (Oxford, 1971), p. 360.

intersected by arbitrary political boundaries based on historical accident and the bargains of external interests."¹⁰ The Somalis, too, had suffered the same fate. The present state of affairs, therefore, is that virtually every African State has one claim or another whether territorial or boundary, against one of its neighbours.¹¹ The tendency seems to be to let the sleeping dog lie until, of course, an accident or other circumstance forces the boundary or territorial issue into the open. In some cases, however, the States concerned have succeeded in settling the disputed boundary without much difficulty apparently because of the friendly relations existing between them as in the case of Ethiopia and Kenya concerning the settlement of those outstanding boundary disputes, Mr. Joseph Murumbi, Kenya's Acting Prime Minister (as he then was) was quoted in 1963 as saying that "the speed with which negotiations had been completed was indicative of the good relations between the two countries."¹²

The All-African Peoples Conference at Accra, Ghana,¹³ December 5-13, 1958, had passed a resolution on African boundaries, which:

- (d) denounced "artificial frontiers drawn by imperialist Powers to divide the people of Africa, particularly those which cut across ethnic groups and divide people of the same stock,"
- (b) called for "the abolition or adjustment of such frontiers at an early date," and
- (c) called on the independent African States of Africa "to support permanent solution to this problem founded upon the wishes of the people."

This resolution was prompted by the Pan-Africanist movement for political unity within Africa which at its embryonic stage showed immense distaste for

10. *Ibid.* Writing on "Mergers, Unions and Life-Styles," *West Africa* No. 2896, 11th December 1972, commented (p. 1642) about the Ghana-Togo Frontier:

"Over most of West Africa there are no ideal frontiers possible nor did the colonial countries break up previously united States. But the frontier drawn by the British and the French to divide Togo after the 1914-1918 World War are entirely indefensible. It compounded the harm done by the frontier already drawn through the EWE people to divide the Gold Coast from German Togo.

The result is a frontier which the people do not respect and to a large extent ignore. So this is the great smugglers' frontier, which has produced on the Togo side large communities for whom smuggling is their main livelihood." See also *West Africa* No. 2913, 9th April 1973, p. 481 on the advantages of the common border post recently opened at AFILAO.

11. For a list of some thirty-two inter-African boundary disputes, see Carl Gosia Windstrand, ed. *African Boundary Problems* (The Scandinavian Institute of African Studies, Uppsala, 1969), pp. 183-185.

12. *The Times* (London), 28 September 1963, p. 6.

13. Colin Legum, *Pan-Africanism* (London, 1962), p. 231. It was a non-governmental conference of political parties.

these birth-marks of European Partition of Africa. Although that resolution had been passed at a time when only a few black African States had attained their independence from colonial rule it showed nevertheless some basic awareness of the possible dangers of any inflexible attachment to "unnatural artificial barriers and frontiers" which according to the Preamble to the Resolution "are not conducive to peace or stability." However, an unqualified challenge to the legitimacy of existing boundaries and the corresponding territorial apportionments in Africa as is the case with rabid anti-colonialism, is equally fraught with unpleasant results. As Saadia Touval has noted¹⁴ it has provided the questionable justification for the irredentist policies of some African States and was particularly responsible as we show below for the boundary and territorial conflicts between Somalia and Ethiopia, between Somalia and Kenya, between Morocco and Algeria, between Morocco and Mauritania and between Ghana and Togo.

It is, therefore, not surprising that a modification of this attitude which seems to reject colonial boundaries of Africa without reservations was adopted, at the inaugural summit conference of the Organisation of African Unity held in Addis Ababa in May 1963 when a strong plea was made for the maintenance of the *status quo*. As McEwen rightly observed "the vast majority of delegates to this conference emphasized that whatever might be the moral and historical argument for a readjustment of national boundaries, practical attempts to reshape the map of Africa at the present day might well prove disastrous."¹⁵

Nigeria's attitude to this problem publicly declared three years before Addis Ababa reflected generally the majority view. While speaking in the House of Representatives on Nigeria's relations with the outside world on August 20, 1960, just before the country's independence, the Prime Minister, Sir Abubakar Tafawa Balewa, *inter alia*, said:¹⁶

On the problem of boundaries, our view is that although in the past some of these were created artificially by the European Powers, which even went so far as to split some communities into three parts, each administered by a different colonial power, nevertheless those boundaries should be respected and, in the interests of peace, must remain the recognised boundaries until such time as the peoples concerned decide of their own free will to merge into one unit. We shall discourage any attempts to influence such "communities by force or through undue pressure to

14. Saadia Touval, "The Sources of Status Quo and Irredentist Policies" in Carl Gosta Windstrand, ed., *African Boundary Problems* (Uppsala, 1969), pp. 101-118.
15. A.C. McEwen, *International Boundaries of East Africa* (Oxford, 1971), pp. 23-24.
16. C. de Agunmba, "Some Aspects of the Foundation of Nigeria's Foreign Policy" in *The Renaissance Enugu* (Nigeria)—Special Independence Edition, Sunday, 1 October 1973, p. 7.

change, since such interference could only result in unrest and in harm to the overall plan for the future of this great continent.

It is not unlikely that those States which had clamoured for "the eradication of boundaries bequeathed to Africa by colonial powers" saw their stand at that time as the strongest expression of their commitment to anti-colonialism. But in practical terms, it sounded like someone cutting his nose to spite his face. For were it feasible to re-group African peoples so as to produce a "perfect" map of Africa, some of the existing States would certainly have disappeared from the new map of Africa. It is to prevent such a calamitous demise of certain States and the total confusion that would follow any frivolous attempt to erase Africa's own "scars of history" that the Organisation of African Unity, at its Cairo Heads of State Conference in 1964 resolved to maintain the *status quo*, that is, to respect frontiers or boundaries existing on their achievement of national independence, on the ground that "the borders of African States on the day of their independence constitute" as the Preamble to the Resolution notes, "a tangible reality."¹⁷ In pursuance of this declaration in support of the *status quo*, the OAU seems also to have taken a determined stand against any avulsive change, such as secession,¹⁸ which can in the view of the continental organisation disorganise inherited boundaries and lead to the balkanization of Africa and the consequent violation of the principle of respect for the sovereignty and territorial integrity of member States, which is grounded in Article III of the OAU Charter. To this extent, the OAU policy on boundaries as we noted above, is a qualification of the principle of self-determination.¹⁹ Again, there had been arguments as to whether it should be interpreted to affect boundaries which were in dispute in colonial times or before the colonial intervention, where such disputes have subsisted up to the time of independence. These arguments have arisen because it is not certain whether the resolution in question was intended to be retroactive or not.

Comparatively, the OAU Resolution advances for the African continent a policy similar to the principle of *UTTI POSSIDETIS* adopted by South and Central American Republics during the 19th Century.²⁰ These new States of Latin America, for convenience and expediency adopted as the basis for their boundaries, the administrative divisions of the Spanish and Portuguese Colonial Empires which existed at the date when the movement for independence broke out. The critical date in the case of South America was generally taken to be 1810; in the case of Central America, it was 1821. But the principle of *UTTI*

17. See Ian Brownlie, n. 9, pp. 360-61.
18. See the Resolution adopted at the Assembly of Heads of State and Government of the OAU at Kinshasa, Zaire, 11-14 Sept. 1967 in Brownlie, *ibid.*, at p. 364.
19. *Ibid.*
20. Cukwurah : n. 1, pp. 112-116, 190-9, for a fuller discussion of the subject. See also A.C. McEwen, n. 15, pp. 27-31.

POSSIDETIS did not resolve boundary disputes between the new States of Latin America. Accordingly, mere abstract maintenance of the *status quo*, enjoined by the OAU resolution cannot be the final answer to Africa's boundary and territorial problems. At best the OAU Resolution on Border Disputes (1964) as formulated represents a code of conduct on boundaries for the new States of Africa. Nothing more.

In the light of Africa's colonial experience, it seems inadvisable for African States to stick doggedly to legal niceties on matters affecting their common boundaries. There is no alternative (except violence) to a willingness on the part of the States concerned to make reciprocal concessions if these outstanding boundary and territorial problems are to be permanently resolved. At the signing of a boundary treaty in February 1963 between the Republics of Mali and Mauritania, President Modibo Keita of Mali underlined the importance of such conciliatory disposition as follows:

The meeting of Kayes is a symbol. Future generations must understand that Africa can only be built by reciprocal concessions.²¹

In a similar pacific tone, Mr. Obote (the Prime Minister of Uganda, as he then was) in a letter of 25th March 1963 which he addressed to Dr. Shermarke, the then Prime Minister of the Somali Republic²², urged caution in Somalia's claim to Kenya's North Frontier District and stressed that the character of African boundaries makes it essential that leaders of States with conflicting claims should negotiate in a spirit of amity, understanding, and, if necessary compromise.

III. THE ORGANISATION OF AFRICAN UNITY AND ITS MACHINERY FOR PACIFIC SETTLEMENT OF INTER-AFRICAN DISPUTES

The OAU Charter solemnly commits member States under Article III(4) to "peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration." This is the only practical and effective way "to promote unity and solidarity of the African States", which is one of the purposes in Article II of the Charter. In Article 19, member States further pledge "to settle all disputes among themselves by peaceful means." It follows, therefore, that the commitment of member States to peace and unity under the OAU Charter as without reservation. It is in furtherance of this pacific objective that they decided to establish a *Commission of Mediation, Conciliation and Arbitration* leaving the modalities of this Commission to be worked out in a subsequent Protocol which formed an integral part of the OAU Charter. That Protocol was signed at Cairo, UAR, on July 21, 1964 by thirty-three independent African States including Nigeria.

21. *West Africa*, 23 February 1963.

22. *The Times* (London), 2 May, 1963, p. 11.

This Commission is accorded an important place under Article 7 of the OAU Charter, being one of the four principal institutions through which the Organisation seeks to accomplish its purposes. The other three are the Assembly of Heads of State and Government, the Council of Ministers and the General Secretariat. It will be right, therefore, to suggest that the Commission in its non-judicial role is intended by member States to supplement and complement the activities of the other principal institutions in the settlement of inter-African disputes. Accordingly, Article 13(1) of the Protocol provides that:

a dispute may be referred to the Commission jointly by the parties concerned; by a party to the dispute, by the Council of Ministers or by the Assembly of Heads of State and Government.

However, the jurisdiction of the Commission is not compulsory notwithstanding the automatic commitment of every member State to settle all disputes by mediation, conciliation and arbitration. The Commission's jurisdiction depends on the consent of the parties to a particular dispute. As it were to tighten up the loose end on this question of jurisdiction, the OAU Charter seems to be drafted and, indeed, operates in a way that involves the other principal institutions in the settlement of disputes. Thus, under Article 13(2) of the Protocol, where one or more of the parties have refused to submit to the jurisdiction of the Commission, the matter is referred to the Council of Ministers for consideration. Invariably, the Council's recommendations on the issues in dispute are passed on to the meeting of Heads of State and Government where they are in turn incorporated in the Resolutions and Declarations addressed to the parties concerned. Again, because sovereign States are understandably jealous of their sovereignty and independence, it is noticeable from the cases to be discussed below, that African States show the same reluctance towards the OAU Commission as a machinery for settling disputes as has been the experience of the International Court of Justice at The Hague. As one former Nigerian President of the OAU Commission of Mediation, Conciliation and Arbitration put it:

My OAU experience is that they [i.e. sovereign and independent African States] will always show great reluctance in limiting their own political and diplomatic freedom beyond what they regard as absolutely necessary to secure their immediate objectives. In one inter-State dispute after another, secret offers of assistance by my Commission could not induce the States involved in the disputes to submit to the jurisdiction of a body they persistently regard as judicial. The political element in most inter-State disputes even where such political element is not the predominant one makes States assume that their vital interests are at stake in every dispute.²³

23. M.A. Otesanya, "Reflections on the Pacific Settlement of Inter-State Disputes in Africa," in Papers of the Third Annual Conference of the *Nigerian Society of International Law*, 19 and 20 March, 1971, pp. 42-50 at p. 49.

Where such negative reaction to the Commission's jurisdiction over disputes with political element has been most evident is in boundary and territorial disputes which are inseparably tied up with the general question of sovereignty and independence. As we show below, the OAU merely plays a mediatory role in these controversies, as it were, holding the ring for the parties directly concerned to sort things out themselves. Even at that, the few attempts at mediatory activities under OAU machinery had depended considerably on the skills of the personalities concerned, especially in inter-personal contacts between a few outstanding African leaders²⁴ rather than on the very special machinery fashioned by the OAU to resolve disputes.

It will be noticed, too, that in some cases, parties to a particular dispute have shown complete lack of interest in OAU's machinery of justice and instead addressed their complaint to the UN or some other sub-regional organisation to which they also belong hoping to obtain a more favourable hearing for their own side of the case. These peculiarities and more are well brought out in the proceedings leading to the settlement of the following disputes, which had arisen in the past ten years of the Organisation's life, namely:

- (a) Algeria-Morocco Boundary Dispute
- (b) Dahomey-Niger Dispute
- (c) The Ethiopia-Somali-Kenya Dispute; and
- (d) Gabon-Equatorial Guinea Dispute.

As we show in the separate detailed study of these cases, the OAU played some contributory role towards their solution or rather containment, though not in all cases.

Without exception, the causes of each of these disputes lay deep in colonial times. However, it is defeatist and escapist to continue to blame past colonial masters for Africa's inhuman boundaries. Now that the problems have been identified and widely recognised, the very realisation that they were not the making of the present independent States of Africa should have been sufficient inducement for disputing States to make necessary concessions in the overall interest of Africa. In practice, it seems, some States have found it more advantageous to keep a boundary or territorial conflict on for as long as possible for propaganda purposes or as a diversion from internal ills in that particular State. There is nothing that evokes national feelings more spontaneously than a fervent call to defend the territorial integrity of any State against external aggressors, whether real or imaginary. And many African leaders seem to exploit this human quality.

Now, the cases discussed below represent the major territorial and boundary

24. Evan Luard (Ed): *The International Regulation of Frontier Disputes* (1970), pp. 129-130.

disputes which the OAU in the past ten years had the occasion to deal with. In some of them, the Organisation succeeded in getting the parties concerned round to talk without directly getting involved with the merits of each case. The impression one gets from the handling of these cases is that African States appear to be haunted by the spectre of "the skeleton in every cupboard complex" over the issues of Africa's colonial boundaries. But they cannot all continue to pretend indefinitely that the problems are unassailable. They have to be resolved somehow some day. And unless they are settled with finality these disputes will continue to rear their ugly heads at the expense of good neighbourliness among independent African States.

A. Algeria-Morocco Dispute

The Algeria-Morocco confrontation was among the teething problems which the OAU faced in the first year of its establishment. Fighting between these two Maghreb States had broken out on October 8, 1963, in the Hassi-Beida area which was claimed by both countries and subsequently spread south to the iron ore town of Tindouf and north to the Figuiq area.²⁵

The source of this dispute, as in other similar conflicts in Africa, dates back to the inconclusive arrangements reached by France (which acquired Algeria in 1830) and Morocco, which early in the 20th century became a French protectorate.²⁶ The Treaty of Lalla-Marmia, 1845, for instance, defined in detail the boundary between Algeria and Morocco from the coast to Teniet-el-Sassi.²⁷ It listed the tribes coming under French and Moroccan authority, but made special provisions for the Sahara area as follows:

In the Sahara, there is no territorial limit to establish between the two countries, as the land cannot be ploughed but is used only as grazing grounds by the Arabs of both Empires... Both Sovereigns... shall exercise their full rights over their respective subjects in the Sahara.²⁸

The Treaty further named the villages of Ich and Figuiq as belonging to Morocco, together with a number of villages belonging to Algeria and, thereafter, stipulated that:

The territory which is located south of the villages of both Governments... is uninhabitable and delimitation thereof would be superfluous.²⁹

25. *Keesing's Contemporary Archives*, 1963-64, p. 19939; *The Times* (London), 30th October, 1963, p. 9; and *ibid.*; 8 Nov. 1963, p. 13.

26. Alf Andrew Heggoy, "Colonial Origins of the Algeria-Morocco Border Conflict of October 1963", in *Africa Studies Review*, vol. xiii (1970), p. 17; *Keesing's Contemporary Archives*, 1963-64, pp. 19939-19942.

27. French expansion southwards later deprived Morocco of Toudat Oasis, and the Tindouf area with its rich iron-ore deposits was occupied by France in 1934. An earlier Treaty of 1901 had included the Colomb-Bechar area in Algeria while in 1928, the protectorate of Morocco inevitably agreed to the "Yarnier Line" to be demarcated as the boundary between Teniet-el-Sassi and the Colomb-Bechar area.

28. *Keesing's Contemporary Archives*, 1963-64, p. 19939, 29. *ibid.*

Morocco's contention was that all subsequent acquisitions of territory made by France after the Treaty of Lalla-Marnia (1845) violated her sovereignty and could not, therefore, ground claims made by Algeria as successor to France. On historical grounds, too, albeit nominal at times, Morocco laid claim to large areas of the Sahara. An example of this was the claim by the Sultan Moulay Hassan (1873-94) to sovereignty over all territories where the inhabitants mentioned his name in their Friday prayers in the mosques as far as Senegal and the Nile. His claim extended to the nomadic tribes of the area which until recent years was largely unexplored.³⁰

Morocco became independent again in 1956 after which a joint boundary Commission was set up to deal with the boundary controversy. It collapsed due to Morocco's non-co-operation. Morocco had withdrawn from it in 1958, following the establishment of the Algerian Provisional Government which she recognised as the only authority competent to deal with the question of Algeria's boundaries³¹ and not France against which the Algerians were engaged in a bloody armed struggle. Moreover, Morocco's irredentist claims grew steadily from 1958 until early in 1960 when she openly claimed the whole of Mauritania. This was the main reason for King Hassan II's absence from the foundation conference of OAU Heads of State and Government at Addis Ababa (May 22-25, 1963) since Morocco's presence might well be interpreted as a recognition of Mauritania³² which was represented at that conference. However, the Moroccan Foreign Minister, M. Ahmed Balafrej took part in the preparatory ministerial meeting.

Soon after Algeria's independence in July 1962, a dispute broke out over a number of military posts, namely, a group in the Colomb-Béchar area, including Saf-Saf and Meridja, and another group farther to the South-west, including Zegdou. Both sides had claimed these posts.³³ Tension in the area later eased.

30. *Ibid.*

31. *Ibid.* Morocco also declined in 1958 to join the Joint Organisation for the Sahara. She subsequently protested against the granting to a French Company of oil prospecting rights in the Tindouf area and against French nuclear tests near the Reggane Oasis on the ground that both areas lay within the territory claimed by Morocco.

32. It has been suggested that Morocco gave up its claim to Mauritania to get regional support for its claim to the Spanish Sahara which until recently Morocco called Spanish Mauritania. She recognised Mauritania in September 1969 and opened up diplomatic relations with the new State in January 1970 mostly under pressure from Algeria which had invited Mauritania to "join the Maghreb." See *Keating's Contemporary Archives*, 1969-70, p. 24125.

33. See *Keating's Contemporary Archives*, 1963-64, p. 19939. During the Algerian War this border area, which had not been officially demarcated was not occupied either by French or by Moroccan troops by agreement between the two Governments. *Ibid.*, p. 19497.

off making it possible for King Hassan to pay an official visit to Algiers³⁴, March 13-15, 1963. But from the Summer of 1963 bitterness over the border issue was deepened by the growing ideological differences between the monarchy in Morocco and the socialist regime in Algeria. The situation finally deteriorated into the armed conflict of October 8, 1963.

Attempts by representatives of both sides at the Marakesh talks of October 15-17, 1963, to work out a veritable cease-fire failed. So, too, did mediation efforts by President Bourguiba of Tunisia on October 12 and 15, 1963, by the Syrian Premier Bitar on October 16, by President Nkrumah of Ghana on October 17, by an Iraqi mission on October 18 and by President Nasser who on October 21, 1963, proposed a meeting in Tunis to be attended by Heads of State of Algeria, Egypt, Libya, Morocco and Tunisia.³⁵

In addition to these unsuccessful mediatory efforts, the Arab League Council unanimously adopted a Resolution on October 19, 1963, deploring the conflict between two Arab States and calling for an immediate cease-fire and a settlement of the dispute by peaceful means.³⁶ On the following day, however, the Council adopted a UAR resolution which

(a) called on Algeria and Morocco to withdraw their forces to the positions they had occupied before the fighting began and to end press and radio propaganda against each other;

(b) set up a mediation committee consisting of the chief delegates of the UAR, Tunisia, Libya and Lebanon, the Chairman of the Council's session (Nasir al Hani) and the Secretary-General (Hassouma); and

(c) requested Algeria and Morocco to grant the committee all necessary facilities to carry out its task.

Initially, both sides were favourably disposed towards the Arab Mediation Committee. But Morocco later declared on October 21, 1963 that she could

34. Prior to King Hassan's visit representatives of the two countries had held talks in Algiers from 4th to 10th March, 1963, resulting in a number of Conventions covering co-operation in the cultural, judicial, political, administrative, technical and economic fields "within the framework of building the United Arab Maghreb." Further agreements on trade and other economic and technical questions were signed in Rabat on April 30, 1963, providing notably for the continuation of duty free quota of Algerian exports to Morocco, Moroccan purchase of Saharan crude oil to help offset the Algerian deficit in trade exchanges with Morocco, collaboration in air transport and co-operation in industrial mining and power development.

Implementation talks which began at Cujda on October 5, 1963, with a view to effecting mutual co-operation along the lines of these conventions were terminated when fighting between their forces broke out on October 8. See *Keating's Contemporary Archives* 1963-64, p. 19573.

35. See *Keating's Contemporary Archives*, 1963-64, p. 19941.

36. *Ibid.*

not accept the Arab League resolution since it called for the evacuation of Moroccan territory by the Moroccan forces.

Emperor Haile Selassie³⁷ of Ethiopia who was then on an official visit to Morocco stepped forward to mediate in the dispute encouraged, it seemed, by Algeria's request on October 19, 1963, for a special meeting of the Foreign Ministers of the African countries under Article 12 of the OAU Charter or for a meeting of the Foreign Ministers of Algeria, Morocco and Tunisia proposed by President Bourguiba who had resumed his mediatory efforts. Again, nothing came out of these parallel efforts. At the Algiers talks on October 22, 1963, Morocco rejected not only Algeria's proposal that the dispute should be referred to the OAU but also the suggestion that all troops should withdraw to the positions they had held before October 1, 1963. Emperor Haile Selassie tried unsuccessfully to get the parties to agree on a neutral venue for further talks.³⁸

Meanwhile, the Malian ambassadors to Morocco and Algeria delivered messages from President Modibo Keita to the two parties in dispute on 26th October offering his good offices and suggesting a meeting in Bamako, Mali, to take place on October 29, 1963, with Emperor Haile Selassie and himself as mediators.³⁹ He made a breakthrough at long last. The meeting was held by the four Heads of State as scheduled with the Emperor presiding. On October 30, 1963, they signed the *Bamako Agreement*⁴⁰ which provided for:

- (i) a ceasefire to come into force from mid-night on November 1-2, 1963;
- (ii) a commission of Moroccan, Algerian, Ethiopian and Malian officers to determine a demilitarized zone;
- (iii) Ethiopian and Malian observers to watch over security and military neutrality in the zone;
- (iv) the signatories to request a meeting at Addis Ababa of Foreign Ministers of the OAU to set up an arbitration commission which would allocate responsibility for the outbreak of hostilities, study the frontier question and make proposals for a settlement of the dispute; and
- (v) Algeria and Morocco to cease all public and press attacks on each other from November 1, 1963 and to observe strictly the principle of non-interference in each other's affairs and of settlement of all disputes between African States by means of negotiation.

37. *Ibid.*

38. *Ibid.*

39. *Ibid.*

40. *Ibid.*, at p. 19942; *The Guardian* (Manchester), 31 October 1963, p. 1; *The Times* (London) 31 October, 1963, p. 12; *West Africa*, No. 2422, 2 Nov. 1963, p. 1235; No. 2423, Nov. 1963, p. 1263.

The Council of Ministers of the OAU accordingly met in extraordinary session in Addis Ababa⁴¹ on November 15-18, 1963. The proceedings resulted in the setting up of a special arbitration commission under Clause (iv) of the Bamako Agreement, consisting of representatives of Ethiopia, the Ivory Coast, Mali, Nigeria, Senegal, the Sudan and Tanganyika. The Commission met at Abidjan (Ivory Coast) on December 3-5, 1963 and again in Bamako on January 23-27, 1964, when Algeria and Morocco submitted their evidence on the issues in dispute. It was thereafter announced⁴² that the Commission would hold its next meeting in March, 1963. At this stage the ceasefire had been in force and tension between Algeria and Morocco was progressively relaxing.

An agreement setting up a demilitarized zone⁴³ was announced on February 20, 1963. It was reported that both sides would withdraw their forces seven kilometres from the positions which they had occupied on October 1, 1963, that the Hassi-Beida and Oum-el-Achhar areas would become a "no man's land"; and that there would be an exchange of prisoners. It was also subsequently reported that under the terms of this agreement Ich had been evacuated on March 5, 1963, by the Algerian forces which had retired to the Algerian border town of Beni-Ounif, and that the heights dominating Figuig and Ich would be demilitarized to prevent any resumption of hostilities. As regards Hassi-Beida and Tinjoub, it had been agreed because of the desert nature of the terrain that the Algerians would withdraw to Tinfoucy and the Moroccans to Tagounit.⁴⁴

Although final settlement was still far away, nevertheless, the Moroccan-Algeria ceasefire and the agreement to accept arbitration by an OAU body was widely acclaimed at the time as the first great success of the OAU. This is all the more significant in that at the outbreak of the Algerian-Moroccan fighting, the *Permanent Commission of Mediation, Conciliation and Arbitration* envisioned in the OAU Charter was still in the making and, therefore, was in no position to be of any service. In fact, the draft protocol establishing that Permanent Commission was only approved at the Lagos meeting of the Council of Ministers⁴⁵, February 24-29, 1964, and it was not signed until at the Heads of

41. *Keating's Contemporary Archives*, 1963-64, p. 19942. See also *West Africa*, no. 2425, 23 Nov. 1963, p. 1323; *International Organisation*, vol. xviii (1964) p. 538; *Africa Diary*, 16-22 Nov. 1963, vol. 3, no. 47, p. 1444.

42. *West Africa*, no. 2433, 1 February 1964, p. 123.

43. *Keating's Contemporary Archives*, 1963-64, p. 19942. See also *Africa Research Bulletin*, vol. I (1964), p. 22.

44. *Keating's*, 1963-64, p. 19942. In 1967, however, there seemed to have arisen again renewed Moroccan claim on the border area. Algeria warned that she had no intention of "giving up an inch of the national territory." See *Africa Diary*, 9-15, April 1967.

45. *West Africa*, no. 2440, 7 March (1964) p. 234; see also *International Organisation*, vol. xviii, (1964), p. 655, and Brownlie, n. 9, at p. 9.

State and Government summit at Cairo in July 1964. The Commission did not have its first meeting until 11 December, 1967.

It appears, however, that as reconciliation between Algeria and Morocco progressed, the two countries more or less decided tacitly to renounce further good offices of the OAU's *ad hoc Arbitration Commission* which had not met again since early 1967. In January 1969, for example, Morocco and Algeria signed a Treaty of Solidarity and Co-operation⁴⁶ valid for 20 years with automatic renewal thereafter unless notice is given by either party. The treaty laid down principles intended to provide a framework for co-operation in all fields, to be implemented by the establishment of joint Commissions to deal with concrete projects. Each country undertook not to join any pact or alliance directed against the other; *agreed to submit all questions at issue between them to joint Commissions which would be responsible for finding suitable solutions*; and pledged themselves to renounce the use of "violence" in any dispute between them.

Other practical steps taken by the two countries during 1969 to improve collaboration between their two nations were the ratification of a number of co-operation conventions concluded before the boundary dispute became acute in 1963 and to which we referred above,⁴⁷ the opening of the Algerian port of Ghazaouet (formerly Nemours) to Moroccan exports; the setting up of a joint company to develop a tourist area straddling the frontier on the Mediterranean coast; and the reopening of the frontier post of Figuig, the scene of the border fighting in 1963. A new trade agreement signed in 1969 provided for increased commercial exchanges between the two countries.⁴⁸

At Tlemcen (Algeria)⁴⁹ on May 27, 1970, Colonel Boumedienne and King Hassan agreed to set up a joint commission to demarcate the boundary over the disputed area from Figuig to Tindouf, a distance of some 850 miles. It was expected that the definitive line would follow the *de facto* border inherited from French rule. With so much reconciliation now achieved by the two Maghreb States, the ghost of the dispute was finally nailed, so at least it seems for the time being, in 1972 at Rabat, Morocco.

Rabat, Morocco⁵⁰ was the venue for the tenth session of the OAU Heads of State and Government Conference, June 11-15, 1972. What became known later as "the spirit of Rabat"⁵¹ inspired a number of reconciliation agreements between hitherto hostile States and movements, especially between Guinea and Ghana and between the principal Angolan liberation movements. Perhaps, overwhelmed by this new spirit, King Hassan of Morocco and President

46. *Keating's* 1969-1970, p. 24125.

47. See note 20.

48. See n. 46.

49. *Ibid.*

50. *Keating's*, 1971-72, pp. 25371-2.

Boumedienne of Algeria decided to end for good the border question and so signed on June 15, 1972, two conventions.⁵² One was a Boundary Agreement confirming that the Tindouf area would remain part of Algeria. Under the second convention it was agreed that the iron-ore deposits at Gara-Djebilet, 80 miles south-east of Tindouf, which had hitherto been worked by an Algerian State-owned enterprise would be exploited jointly by the two countries through a mixed company to be set up with the co-operation of public bodies of both Algeria and Morocco, with the ore to be transported to an Atlantic port.

The Opposition *Istiqalal* party in Morocco opposed the agreements as involving excessive concessions to Algeria. But King Hassan announced on June 6, 1972, that they would be submitted to the Parliament for ratification,⁵³ though not before 1973.

To fully understand the impulses which led to the settlement of this dispute one must take into account the driving force of the Maghreb movement and the price of good neighbourliness sorely needed by Morocco in her confrontation with Spain over Spanish Sahara. Moreover, this dispute belonged to two worlds—the Arab world and the African world. Perhaps, the cumulative pressure of both the worlds led to its final settlement.

B. Dahomey-Niger Dispute

Relations between Dahomey and Niger had deteriorated following the replacement in Dahomey of President Maga's regime by the Provisional Government of Colonel Soglo in October 1963. Issues abruptly came to a head on December 21, 1963, when members of the Niger National Assembly alleged that Dahomey was preparing to send troops to occupy Lette Island, an islet in the River Niger separating the two countries which island had been claimed by both sides. On December 22, it was announced in Niamey that the Government of Niger had decided to expel all Dahomeyan citizens in that country. Consequently, on December 27, 1963, President Soglo ordered the closing of the rail and road links between the two countries and the blocking of goods in transit for Niger (a landlocked country) at the port of Cotonou. He followed it up with a cable to the Secretary-General of the United Nations on January 1, 1964, urging that the Security Council be informed of what he described as "inhuman treatment, inflicted on some Dahomeyan nationals" by the Republic of Niger.⁵⁴ He alleged:

(a) that 3,000 Dahomeyan citizens had been deported by Niger and were stranded at Gaya on the border without food;

(b) that troops from Niger had occupied Lette Island which he described as an "integral part of Dahomeyan territory."

51. *Ibid.*

52. *Ibid.*, p. 25372.

53. *Africa Research Bulletin*, vol. 1 (1964), p. 4.

But President Hamani Diori of Niger charged that Dahomey was responsible for the closure of the common border to Niger-bound lorries carrying urgently needed medical supplies.

Colonel Soglo (Dahomey) was criticised by some Nigerian papers for directing his complaint over the border dispute to the United Nations Security Council rather than to the OAU. It was suggested, however, that the Dahomeyan leader was handicapped by the absence of any machinery to deal with inter-African disputes,⁵⁴ an indication of the ineffectiveness of the OAU Commission of Mediation, Conciliation and Arbitration.

Following mediation efforts by a number of neighbouring African countries (including Nigeria) and a proposal by President Yameogo of Upper Volta (as the then President of *Union Africaine et Malagache* or UAM, to which sub-regional group the disputants belonged) to call a special UAM Heads of State conference on the matter, tension eased from January 1, 1964 when the border was partially reopened. This was followed by a meeting on January 2, 1964, at Malanville on their common border between representatives of the two countries.⁵⁵ The Chief Dahomeyan representative agreed to inform his Government of the following suggestions put forward by the Niger delegation, namely:

- (i) the unrestricted movement of people and goods between the two countries;
- (ii) the initial limiting of negotiations to Niger and Dahomey alone, followed later by negotiations under African mediation;
- (iii) the withdrawal of troops from both countries;
- (iv) the ending of radio propaganda attacks on both sides.

Meanwhile, on January 8, 1964, President Grunitzky of Togo announced that Niger had reacted favourably to Togo's offer to mediate in the dispute but that Dahomey's President Soglo had so far declined to reply to the offer. Subsequent reports, however, showed that Dahomey preferred the proposal of President Yameogo of Upper Volta that a meeting of the UAM be held to settle the dispute. This meeting was to take place after the Dahomeyan presidential elections on January 19, 1964.

An announcement on March 9, 1964, by the President of the UAM reported that the Organisation had "cleared up" the misunderstanding between Dahomey and Niger.⁵⁶ It was agreed that all the expelled Dahomeyan officials would be compensated; that deported Dahomeyan private residents could remain or return

54. It will be recalled that Somalia continued to bring the border dispute with her neighbours before the UN, "convinced that the UN rather than the OAU would be more disposed to listen to her arguments on the right of self-determination" for Somalis. See Widstrand, n.11, pp. 7-72.

55. See *Africa Research Bulletin*, n. 53.

56. *Ibid.*, p. 37.

to Niger; that economic relations including the use by Niger of the port of Cotonou would be resumed between the two countries; and that talks would continue aimed at reaching a final settlement of all issues in dispute. The two Governments were also asked to withdraw their troops from the border.

It may be added here that the UAM also helped during its existence to resolve the controversy that broke out between Congo-Brazzaville and Gabon in 1962. There had been a long-standing latent boundary dispute between the two countries which aggravated incidents during a football match in Brazzaville on September 16, 1962. There followed reprisals by crowds in both countries. The dispute was later settled at a round-table conference at Yaounde, Cameroon, November 3-4, 1962, under the chairmanship of President Ahidjo (the then President of the UAM), following which late President Mba of Gabon and M. Fulbert Youlou, former President of Congo-Brazzaville were formally reconciled. It wasn't clear from the reports whether the boundary dispute *per se* was settled as well.

There wasn't much evidence of direct OAU participation in the handling of the Dahomey-Niger dispute. It will be recalled that the influence of the Union of African and Malagasy States (UAM) was not immediately destroyed by the creation of the OAU in 1963. Thus, it seems, the UAM as an organisation of French-speaking States, saw this dispute as directly within its portfolio and the fact that it was cooled off under its umbrella confirms this observation. The individual offers of mediation also generally came from leaders of neighbouring Franco-phone States, namely Upper Volta and Togo. Most important of all, the Island of Lette affair showed how easily the mishandling of any boundary or related boundary issue, however minimal, can involve neighbouring African States in far-reaching consequences.

C. The Ethiopia—Somali—Kenya Dispute

Catherine Hoskyns's excellent study of this triangular dispute shows that its historical background dates back to the opening of the Suez Canal in 1869 which made the Horn of Africa strategically important for the European Powers.⁵⁷ France, Britain and Italy, for instance, shared among themselves what was formerly Somali territory and proceeded to make territorial adjustments with neighbouring Ethiopia under which the Somali population was segmented and brought within different jurisdictions.

The treaty of 1897 between Ethiopia and British Somaliland involved the ceding to Ethiopia of an area of Somali territory known as the Haud, cutting certain tribes off their customary grazing lands. Again, the boundary between Ethiopia and former British Kenya which was established in principle in 1907 with minor adjustments subsequently, included in the Northern Frontier District

57. Catherine Hoskyns, *Case Studies in African Diplomacy—2*, The Ethiopia—Somali—Kenya Dispute, 1960-1967, Dar-es-Salaam 1969.

(NFD) of Kenya a small Somali population, later to be much increased by migration. In 1924 the Jubaland Province, also mainly Somali, was transferred by Britain from Kenya to Italian Somaliland. In the 1930's continued dispute over the exact demarcation of the boundary between Ethiopia and Italian Somaliland and in particular over the mainly Somali area of the Ogaden was reportedly one of the factors which led eventually to the invasion of Ethiopia by Italy in 1935.

In 1946, after the Second World War, the British Foreign Secretary, Ernest Bevin, proposed that all the Somali areas should be brought together under UN Trusteeship. Following the rejection of this proposal by the Russians and the Americans, the Ogaden and Haud areas were returned to the Ethiopians and Italian Somaliland was put under Italian Trusteeship. But before then, Bevin's proposal had given open encouragement to Somali ideas of re-unification.

Thus, the Somali Republic composed of former British Somaliland and Italian Somalia became independent in 1960, determined to re-unite the traditional Somali areas. Its boundaries with Ethiopia still remained undemarcated. Besides, Ethiopian garrisons had been strengthened in the contested areas.

Down in Kenya's Northern Frontier District (NFD), a secessionist Somali party, the Northern Province People's Progressive Party (NPPPP) was formed in 1960. Its candidate was returned unopposed for NFD in Kenya's elections of 1961. There were minor incidents on the borders and growing unrest in NFD⁵⁸ in 1960.

In May 1961, the Monrovia Conference of African Heads of States *inter alia*, resolved that :

A written appeal be made through the executive authority of the present Conference to their Excellencies the Emperor of Ethiopia and the President of Somalia to make renewed efforts towards a sincere and early solution of all their existing frontier and any other disputes.⁵⁹

In October the same year, Somali leaders on their part visited Ghana and signed with Dr. Nkrumah a communique defending the redrawing of colonial boundaries.⁶⁰ Naturally increasingly hostile propaganda continued to be exchanged between Ethiopia and the Somali Republic resulting in frequent border incidents.

In October 1962 the British Government appointed a Commission "to ascertain and report on public opinion in Kenya's NFD." Five of the six Northern Frontier Districts favoured secession and union with the Somali

58. *Ibid.*, p. x.

59. Colin Legum, *Pan Africanism*, n. 13, pp. 198-291. The Monrovia Conference, May 8-12, 1961.

60. Catherine Hoskyns, n. 58, p. x.

Republic. But in March 1963, to the displeasure of the Somali Republic, Britain announced that the NFD would become the seventh region of Kenya which on attaining independence in December that year, declared a state of emergency in the NFD (which was renamed the North Eastern Province--NEP).⁶¹

Following the turn of events for the worse, the Somali Republic broke off diplomatic relations with Britain. And in July 1963 two months after the birth of the Organisation of African Unity in Addis Ababa, Kenya and Ethiopia signed an agreement on "co-operation and mutual defence assistance."⁶² A Conference in Rome between British, Kenyan and Somali representatives over the future of NFD ended in a deadlock.⁶³

Meanwhile, a three-day emergency meeting (the second) of the OAU Foreign Ministers⁶⁴ was summoned by President Julius Nyerere in Dar-es-Salaam, in February 1964. There had been army mutinies in Tanganyika, Kenya, and Uganda, following the Zanzibar coup in January 1964, coupled with the appeals from the three East African countries for British forces to restore order and the French intervention in Gabon when late President Leon Mba was temporarily unseated.

The Dar-es-Salaam meeting passed a resolution on the Kenya-Somalia border dispute, urging an end to provocation in that area. And following renewed fighting between Ethiopian and Somali forces over the border village of Tug Wajale, the meeting also called for an immediate ceasefire.⁶⁵

At the Lagos meeting (February 24-29, 1964) of the OAU Council of Ministers, Council Resolution 6 (II)⁶⁶ requested the Governments of Ethiopia and Somalia, *inter alia*, to maintain the ceasefire which they had immediately ordered following appeals made at Dar-es-Salaam; to open direct negotiations with a view to reaching a peaceful solution of the border dispute and report on the result of these negotiations at the next OAU Conference of Heads of State and Government. The question was, therefore, put on the agenda for the OAU summit in Cairo in July, 1964.

Following Ethiopia-Somali discussions in Khartoum, Sudan, through the initiative of Lieutenant-General Ibrahim Abboud, an agreement was signed on a ceasefire, and the appointment of supervisory joint commission⁶⁷ for the withdrawal of their military forces to a distance of between 10 to 15 km. from either

61. *Ibid.*, pp. x-xi.

62. *Ibid.*, pp. x, 44.

63. *Ibid.*, p. xi.

64. *West Africa*, No. 2438, 23 Feb. 1964, p. 199; *International Organisation*, vol. xviii (1964), p. 538.

65. Catherine Hoskyns, n. 57, pp. 50-61, at pp. 60-1.

66. *Ibid.* pp. 62-63.

67. For text of the Joint Communique by Ethiopian and Somali Governments after negotiation in Khartoum, 30 March 1964, see Catherine Hoskyns, n. 57, pp. 65-66.

side of the border (to start on April 1st 1964 and to be completed by April 6, 1964).

Again, Council Resolution 7 (II) at the Lagos Conference similarly invited the Governments of Kenya and Somalia to open as soon as possible direct negotiations with due respect to paragraph 3 of Article III of the OAU Charter with a view to finding a peaceful and lasting solution to the difference between them.

It also invited them to refrain from all acts which might aggravate the situation or jeopardise the chance of peaceful and fraternal settlement and to report on the results of these negotiations to the next Conference of the Heads of States and Governments of the OAU.⁶⁸

However, in July 1964 a vote of no confidence was passed on the new Somali Government. No negotiations as requested by the OAU Resolutions, therefore, took place and the Ethiopia-Somali-Kenya dispute was deleted from the agenda of the OAU Heads of States Conference in Cairo July 17-21, 1964.⁶⁹ It was at this Conference, as shown above, that the OAU passed a general resolution on border disputes in Africa calling on all member States to respect the borders existing on their achievement of national independence.⁷⁰ Morocco whose disputes with Algeria and Mauritania were discussed above understandably voted against this Resolution. The Somali Republic was absent for the reason stated above—the fall of the Government then in power.

In April 1965, Ethiopia and the Somali Republic agreed in principle to re-open negotiations but disagreed over the venue for the talks. They continued their propaganda war, giving rise to some border incidents. But at the OAU Summit in Accra, Ghana, in October 1965, both parties entered into an informal agreement to desist from the dissemination and repetition of hostile propaganda against each other,⁷¹ in accordance with the earlier agreement they had signed in March 1964, at Khartoum, Sudan.

On the other hand, talks at ministerial level held between Kenya and the Somali Republic between 10th and 14th December 1965 in Arusha, Tanzania, on the initiative of President Nyerere ended in deadlock.⁷² The Kenyan Minister of Foreign Affairs (Joseph Murumbi) charged that the intention of the Somali

Republic was to revive old arguments for territorial expansion by incorporating certain areas in Kenya into Somalia and that this was in clear conflict with the OAU Resolution calling on member States to respect and accept boundaries as at the time of independence. Meanwhile, armed *shifia* operations reportedly inspired and encouraged by hostile propaganda from Somalia continued to menace the north east area of Kenya. In February 1966, Kenya spokesman stated that they were "on war basis" with the Somali Republic.⁷³

The Ethiopian Ministry of Foreign Affairs addressed a note⁷⁴ on June 2, 1966, to the Secretary-General of the OAU, Mr. Diallo Telli, complaining that the Somali radio and press had "systematically continued their propaganda campaign against Ethiopia" contrary to the Khartoum agreement of 1964. The Somali Prime Minister at the time was Mr. Abdirizak Haji Hussein, who it was alleged had himself made derogatory remarks against Ethiopia in a statement to the Somali Assembly on March 30, 1966.

Earlier in May 1966, Sudan had offered to mediate in the dispute between Ethiopia and Somalia and on June 24th, 1966, the Sudanese Prime Minister, Mr. Mohammed Ahmed Mahgoub announced that the Ethiopian delegation on a visit to Khartoum had signed the agreement of the Ethiopian Government to his mediation offer. But in the following month the Somali President, Aden Abdullah Osman warned that the Somalis "will never give up their struggle for re-unification."⁷⁵

Then in August 1966, President Nyerere (who in 1965 had unsuccessfully attempted to mediate between Kenya and Somalia) visited the Somali Republic and Kenya. And in April 1967, Kenya published a white paper expressing its "readiness under proper and fruitful conditions to participate in negotiation leading to the conclusion of a peaceful settlement."⁷⁶ Not more than two months after the publication of Kenya's white paper there followed a presidential election in the Somali Republic in which Dr. Abdirashid Ali Shermarke replaced Aden Abdullah Osman and in turn appointed as Prime Minister and Minister of Foreign Affairs, Mohamed Haji Ibrahim Egal (former leader of British Somaliland) in place of Abdirizak Haji Hussein.⁷⁶ The new Prime Minister

72. *Ibid.*, p. xi. The Kenyan Senate later passed a motion urging the Government to send Kenyan troops across Kenya-Somali border to "hunt down armed *shifia bandits*" from Somalia.

73. *Ibid.*, pp. 75-76.

74. *Ibid.*, p. XI. On Sudan's mediation offer, the Ethiopian Foreign Minister, Ato Kezema Yifru was reported to have said on June 27, 1966, that the question of mediation had never arisen, that there was no need for outside intervention since Ethiopia and Somalia had agreed to continue their direct talks. See Catherine Hoskyns n. 57, p. 66.

75. Catherine Hoskyns, n. 57, pp. 77-78, for full detail of the major prerequisites to the opening of such negotiation acceptable to Kenya.

76. *Ibid.*, pp. 79-81.

68. *International Organisation* vol. xviii, (1969); see also Catherine Hoskyns, n. 57, at p. 63.

69. Catherine Hoskyns, n. 57, p. XI. At about the time the Somali Government fell, Emperor Haile Selassie had paid a State visit to Kenya.

70. For the text of this Resolution, see Brownlie, n. 9, at pp. 360.1; see also Catherine Hoskyns, n. 57, at p. 68.

71. Catherine Hoskyns, n. 57, pp. XI. 71-2. Further incidents took place in March 1965 on their common border. Although the Somalis invited the OAU Commission to investigate the position of the Somali refugees who fled from Ethiopia and Kenya, the OAU did not take up the matter. See Windstrand, n. 11, p. 73.

71a. See *Ibid.*, pp. 73-4.

promptly made a public statement on the new Government's attitude toward "the Somali territories." He charged "our African neighbours Kenya and Ethiopia" of "obdurate refusal" to allow self-determination to Somali territories acquired by them during the colonial dismemberment of the Somali nation. He pledged himself to continue the policy of earlier Somali Governments on the question, redefining the scope of this policy in these words:

We do not wish to annex the territory of any State whatever, nor to expand into such territory . . . We do intend to champion the cause of Somali territories under foreign domination, in order that they may attain sovereign independent status through the process of self-determination.⁷⁷

But at the Kinshasa (Zaire) meeting of OAU Heads of State and Government, 11-14 September 1967, following the good offices and renewed initiative taken by President Kaunda of Zambia, the Somali and Kenya Governments issued what later became known as the "Kinshasa Declaration"⁷⁸ whereby both Governments:

- (i) expressed their desire to respect each other's sovereignty and territorial integrity in the spirit of Paragraph 3 of Article III of the OAU Charter.
- (ii) undertook to resolve any outstanding differences between them in the spirit of paragraph 4 of Article III of the OAU Charter;
- (iii) pledged to ensure maintenance of peace and security on both sides of the border by preventing destruction of human life and property;
- (iv) agreed to refrain from conducting hostile propaganda through mass media such as radio and the press against each other;
- (v) accepted the invitation of President Kaunda to meet in Lusaka, during the later part of October 1967, in order to improve, intensify and consolidate all forms of co-operation.

Accordingly, the OAU Kinshasa Resolution requested Kenya and Somalia, as parties to the Declaration, and the Government of Zambia as host and convenor, to submit a progress report on the proposed meeting in Lusaka to the Secretary-General of the OAU.⁷⁹ Subsequently, however, that meeting took place on 28th October 1967 in Arusha, Tanzania, under the auspices of the OAU with President Kaunda of Zambia acting as mediator at the end of which the *Arusha Memorandum of Agreement*⁸⁰ was signed by the parties.

77. *Ibid.*, at p. 80.

78. Catherine Hoskyns, n. 57, p. 82. See also Brownlie, n. 9, at pp. 362-363; *International Legal Materials*, vol. VI, 1967, p. 1245; *Keesing* 5, 1967-68, p. 22281.

79. Brownlie, n. 9, at p. 363.

80. Catherine Hoskyns, n. 57, at pp. 82-3; see also McEwen, n. 15.

Under the terms of the Memorandum, Kenya and Somalia agreed *inter alia*:

- (i) to maintain peace and security on both sides of the border by preventing destruction of human life and property;
- (ii) to refrain from conducting hostile propaganda through mass media such as radio and the press, against each other, and to encourage propaganda which promotes the development and continuance of friendly relations between the two countries;
- (iii) to suspend gradually any emergency regulations imposed on either side of the border;
- (iv) to re-open diplomatic relations between the two countries;
- (v) to consider measures encouraging the development of economic and trade relations.

The Memorandum also provided for the appointment of a Working Committee consisting of Somalia, Kenya, and Zambia, to meet periodically to review the implementation by the two disputants of the points agreed in the memorandum. The Working Committee was also to examine ways and means of bringing about a satisfactory solution to major and minor differences between Kenya and Somalia.

President Kaunda after the meeting in Arusha in 1967 expressed the hope that the agreement would show that Africans were capable of solving their own problems without institutions influenced by the very powers who were "to blame for the mess in Africa today."⁸¹

Prior to this meeting, some of the *stiffias* in Kenya's North East Province has been found to use land mines originally supplied to the Somalian Army by the UAR. Therefore, Vice-President Moi of Kenya, during a visit to Cairo on May 1-6, 1968, had handed President Nasser an invitation from President Kenyatta to come to Kenya in order to gain a first hand impression of the serious border situation but the invitation was declined.⁸² At about the same time Dr. Njoroge Mungai, the Kenyan Minister of Defence had visited Kuwait, Saudi Arabia, Jordan, and Persia, where he asked for a stricter check on private arms smuggling carried on by means of dhows bound for Somalia.⁸³

81. *Keesing's* 1967-1968, p. 22386.

82. *Ibid.*, p. 22386.

83. *Ibid.*, p. 22386. It may be observed that initially the Arusha Agreement was given a hostile reception in Somalia. On his return to Mogadishu from Arusha, Mr. Egal, the Prime Minister, was received by hostile demonstrations and on November 14, 1967, Mr. Abdurizak Hadji Hussein (the former Prime Minister) speaking in his capacity as Secretary-General of the ruling Somali Youth League, violently attacked the Arusha agreement. The Somali Government thereupon closed down the Mogadishu branch of the Youth League, the latter's Central Committee responding by expelling Mr. Egal from the Party. But after ten days of debate, the Somali Parliament on November 23, 1967, gave overwhelming support to Mr. Egal and endorsed his endeavours to settle outstanding differences between Somalia and her neighbours.

In a communique published simultaneously in Addis Ababa and Mogadishu on September 22, 1967, soon after the OAU Kinshasa Summit, Ethiopia and Somalia had agreed to "eliminate all forms of tension" between themselves, and establish a joint military commission to examine complaints by either side, and to "perfect co-operation" by means of quarterly meetings of their administrative authorities.⁸⁴

On January 10, 1968, however, Mr. Ahmed Yusuf Dualeh, a former Foreign Minister of Somalia who had been arrested on August 14, 1967, that is, before the OAU Kinshasa Summit, had been sentenced in Mogadishu to 14 years' imprisonment for treason, having been convicted of attempting to sell two secret documents to an Ethiopian official. But after that, Mr. Egal's policy of reconciliation with Somalia's neighbours had made good progress.⁸⁵

The Ethiopian Government agreed on September 5, 1968, to suspend the state of emergency along the border region with effect from September 16, after Egal had paid a four day visit to Ethiopia. The two Governments decided at the same time to conclude a trade and tele-communications agreement.⁸⁶

At a meeting between President Kenyatta and Mr. Egal in Nairobi on Feb. 21, 1969, at which President Kaunda acted as Chairman, the Kenya Government agreed to lift the state of emergency in the North-Eastern Province, to grant an amnesty to all political offenders connected with the dispute between the two countries, and to allow refugees to return from Somalia to their homes. The two countries also decided to co-operate in mutual development projects, and Kenya undertook to promote the candidature of Somalia for membership of the East African Economic Community.⁸⁷

84. *Ibid.*, p. 22386.

85. *Keating's Contemporary Archives*, 1968-70, p. 23347.

86. Recently, Ethiopia announced the discovery of gas in large quantities within the tri-junction of the common boundaries of Ethiopia, Kenya and Somali but more firmly in one of the most disputed parts of the Ogaden. It is strongly believed that oil will also be found there in proportionate quantities. This new economic importance of the area has consequently precipitated the resumption of the long dispute between Ethiopia and the Somali Republic and troop build-up in the area is evident. Ethiopian and Somali Foreign Ministers meeting in Addis Ababa (December 1972) and Mogadishu (January 1973) failed to reach an agreement, thus aggravating the tension in the area.

At the current Ministerial Council Meeting of the OAU, the Somali Republic proposed that the renewed dispute be placed on the agenda of the Heads of State meeting but Ethiopia objected to the proposal. A special committee headed by Dr. Okot Arikpo the current Chairman of the Council Meeting and Nigeria's External Affairs Commissioner, and including Foreign Ministers of Algeria, Tanzania, the Ivory Coast and Liberia failed to get either side to change its rigid position with the result that the dispute tended to overshadow OAU proceedings. The Somali Republic maintains that the issue is a territorial dispute while Ethiopia insists that it is a limited problem of boundary demarcation. See *Daily Times*, Lagos, 21 May 1973, p. 3 and 22 May 1973, p. 10; *The Renaissance*, Enugu, 24 May 1973, p. 7; *Africa*, No. 21, May 1973, p. 24

87. *Ibid.* On the East African Economic Community see Ingrid Doimi De Delupis (1969),

Earlier in January 1968, both countries had announced the lifting of all restrictions on their mutual trade relations, after which President Kenyatta announced on January 31, 1968, that diplomatic relations between Kenya and Somalia were to be established at once.⁸⁸

The Ethiopia-Somali-Kenya dispute was for the OAU an unpleasant distraction from its programme of confrontation with the racist white minority regimes in Southern Africa. Moreover, the Arab partisanship in the dispute, for example, in giving clandestine military assistance to the *shifkas* in Kenya's North East Province was in itself a source of embarrassment to the continental organisation although there are historical explanations for such sectionalism. On the face of it, the Somali claims called for sympathy; but in the context of Africa's colonial experience generally, to allow Somalis to accomplish a settlement purely on its own terms would not augur well for the continent's commitment to unity and solidarity, because that will let loose the gods of balkanization in Africa.

The pattern of the final settlement reached by the three East African States shows that a *modus vivendi* can always be worked out even in situations as complicated as that of the divided Somalis as long as the will to succeed exists in the leadership of the parties concerned and neighbouring States or outside powers resist the temptation to exploit the troubled situation.

D. Gabon-Equatorial Guinea Dispute

The first indication of trouble was a telegram sent by President Bongo on September 8, 1972, to the UN Secretary-General saying that fishing camps on the uninhabited islands of Mbanie and Cocottiers, which form part of Gabon's territory, had been attacked on several nights by an armed force from Equatorial Guinea.⁸⁹ Shots had been fired at Gabonese boats, and it was decided to post some police on the islands. The attackers' arms and uniforms were confiscated. Then President Bongo added:

"We regard the incident as minor and finished."

He felt, however, obliged to inform the UN because Equatorial Guinea might resort to stirring up border incidents.

The Equatorial Guinea, on the other hand, sent a message to all countries attending the Dar-es-Salaam summit meeting of East and Central African Heads of State (at which both Gabon and Equatorial Guinea were present)⁹⁰ saying that it had been invaded by Gabon. The closing session of the Conference was reportedly delayed for two hours by the dispute.

A subsequent message from the Government of Equatorial Guinea to the UN called on the Security Council to intervene in the dispute because Gabon

88. *Keating's*, 1967-1968, p. 22528.

89. *West Africa*, No. 2883 Weekending 22nd September 1972, p. 1247.

90. On the East African Summit, see *ibid.*, p. 1271.

had committed an "act of aggression" against some islands off the coast of Equatorial Guinea. It also charged that Gabon had stationed warships in the Rio Muni estuary.

On August 23, 1972, Gabon had announced the extension of her territorial sea to 170 miles and occupied the islands of Elobey Grande, Elobey Chico and Corisco, as well as some others adjacent to Rio Muni (the Mainland Province of Equatorial Guinea which lies on Gabon's northern border).⁹¹ Referring to Gabon-Equatorial Guinea sea boundary, one commentator remarked:

It should be noted that, if a vertical line is drawn westwards from the Gabon-Rio Muni Frontier, all the islands in question would fall on the Gabon side, but owing to the fact that they were Spanish colonial possessions, they passed to Equatorial Guinea on its independence in 1968. The new Gabonese 170-miles claim incidentally falls not very far short of the Equatorial Guinean island of Annobon, and, more important, included the Portuguese Colony of Sao Tome.⁹²

It was also suggested by the same commentator that apart from some differences of international orientation between the disputants "the real bone of contention must undoubtedly be oil, which exists in large quantities offshore of Gabon and is found again off Cameroon and Nigeria, not far to the north, and is, presumably, also present off Equatorial Guinea."⁹³

African envoys at the UN had criticised the approach made to the Security Council on the ground that the dispute should be left to the OAU which as we show below eventually arranged the Mobutu-Nguouabi mediation; though another opinion is that "the role of mediation was assigned to Zaire and Congo by the recent Dar-es-Salaam Central and East African Summit."⁹⁴

91. *Ibid.*, p. 1247.

92. *West Africa*, No. 2883, p. 1247. Gabon's claim to Mbanic and Cocotiers was based, according to reports, on the 1900 Treaty between France and Spain, which had fixed the land boundary between Rio Muni and Gabon at the first parallel north. At sea, the treaty accorded the islands of Corisco and the two Elobeyes to Spain, although they were south of the parallel and only a few miles from the Gabonese coast, which explains why Gabon observed that they constituted "an enclave in our territorial water." It was reported that Gabon had asked France to make available the document signed with Spain about the sovereignty of the disputed islands. See *West Africa*, No. 2885, p. 1302. Semi-official sources in Madrid said that Spain backed Equatorial Guinea in the dispute being the successor to her former colonial possessions in Fernando Po and Rio Muni which after independence became known as Equatorial Guinea. It was also reported that Equatorial Guinea's Minister of Public Works, Jesus Oyono Mba had talks in Madrid on the crisis on his way to New York. See *West Africa*, No. 2885 p. 1302.

93. *Ibid.*, see also *West Africa*, No. 3889, 23 October 1972, p. 1439. *The Renaissance*, Enugu, Wednesday 15 Nov. 1972, p. 10.

94. *West Africa*, No. 2885, Weekending 29th Sept, 1972, p. 1302.

Following a joint-invitation to President Bongo of Gabon and President Francisco Macias Nguema of Equatorial Guinea from President Mobutu Sese Seko of Zaire and President Nguouabi of the Congo, the four leaders met in Kinshasa to discuss the dispute.⁹⁵ The Kinshasa meeting decided to set up a commission of representatives from each of the four States to draw up measures to settle any remaining differences on a peaceful basis. A meeting to consider the report of the Commission was to be held in Brazzaville as soon as possible later in November. The meeting was under the Chairmanship of OAU Assistant-Secretary-General, Genard Kamandu.⁹⁶ Although President Bongo was later reported to have announced that the boundary dispute had been settled following the Kinshasa meeting, the attitude of Equatorial Guinea official circles seems to be that no conclusive agreement had been reached in Kinshasa. For according to a diplomatic note from Equatorial Guinea published by the UN soon after the Kinshasa talks, Equatorial Guinea maintained that it "will not accept...the unilateral extension by the government of the neighbouring Gabonese Republic of its territorial waters to 100 nautical miles."⁹⁷

Meanwhile, President Macias Nguema delivered an ultimatum that Gabonese flags should be removed from the islands of Mbanic, Cocotiers and Kango by October 17. President Bongo, on the other hand, accused President Macias of violating the Kinshasa agreement of September 17, 1972, by launching broadcast attacks on Gabon aimed at stirring up the Fangs (the majority ethnic group in both countries), against President Bongo himself. He therefore warned that if the threats did not stop he would order Gabonese Armed Forces to occupy the three islands of Corisco, and the two Elobeyes. He charged that President Macias was claiming the islands because Gulf Oil had told him of oil deposits located between Mbanic and Corisco.⁹⁸ President Bongo had visited and addressed Gabonese gendarmier units stationed in Mbanic.

95. *Ibid.*, p. 1302; see also *West Africa*, No. 2892, 13 Nov. 1972, p. 1542.

96. *West Africa*, No. 2885, Weekending 29 Sept. 1972, p. 1302; No. 2892, 13th Nov. 1972, p. 1542. President Bongo subsequently visited the Ivory Coast to attend the passing out of Gabonese cadets from the Ivory Coast Military School and used the opportunity to brief President Houphouët-Boigny on the dispute at Yamoussoukro.

97. *Ibid.*, p. 1302. On the report of the extension of the territorial sea, see *BFC News of African World*, 10th August, 1972.

98. President Bongo had sent a telegram warning district heads of Woleu Niem, near the Equatorial Guinea border, not to allow any Gabonese to cross into Equatorial Guinea although refugees from there were readily admitted into Gabon. See *West Africa*, No. 2889, 23 Oct. 1972, p. 1439. The ruling Gabon Democratic Party (PDG) even passed a Resolution condemning President Macias' efforts to spread subversive propaganda among the people of Woleu Niem, whom the party in turn congratulated for their patriotic attitude. See *West Africa*, No. 2890, 30 October 1972, p. 1472. On the other hand, a National Assembly member Andre Ndong-Biyogbe from the Woleu Niem Province was expelled from the PDG reportedly for activities against the State's internal and external security. See *West Africa*, No. 2891, 6th November, 1972, p. 1509.

As a result of the new flare up, a delegation from Congo-Brazzaville (as one of the mediating States) led by the Public Works Minister Louis Sylvian Gome visited the Equatorial Guinea (reportedly for the fourth Independence Anniversary celebrations) and Libreville.⁹⁹

The ultimatum expired without any follow-up action by President Macias. But before it expired, OAU's Assistant Secretary-General, Gerard Kamanda had visited both Bata and Libreville with messages from the OAU Secretary-General Nzo Ekangaki, on the dispute.¹⁰⁰ The messages appealed to both Presidents to avoid an escalation of the conflict, and to co-operate with the four nation conciliation commission due to meet in Brazzaville. The disputing States had named their respective officials to attend the meeting. From Libreville, M. Kamanda proceeded to report to Presidents Mobutu and N'Gouabi on his findings.¹⁰¹

Thereafter, during President N'Gouabi's official visit to Equatorial Guinea, reportedly in response to an invitation extended during a visit to Brazzaville in 1971 by President Macias, the boundary dispute was discussed and from Santa Isabel, President N'Gouabi went to Libreville to report on the outcome of his talks to President Bongo of Gabon.¹⁰²

At the Brazzaville meeting of the four nation conciliation Commission on November 11, at which OAU Secretary-General and his assistant were present, the disputing States agreed to "a neutralisation of the Bay of Corisco" and asked an *Ad Hoc* OAU Committee to delimit the boundary in the area between their two countries.¹⁰³

The OAU rather acted promptly in this dispute and succeeded in stopping its possible escalation. This time the Secretariat of the Organisation took an active part in the proceedings leading to an agreement on the basis for a final settlement of the conflict. However, the silence of the settlement formula over the unilateral extension of her territorial sea by Gabon appears to have offered the Equatorial Guinea a potential ground for repudiating any final settlement influenced by the new territorial sea limit of Gabon. Perhaps, it may not. One may even argue that this aspect of the law of the sea raises issues beyond the exclusive competence of the OAU. In any case, if the reported presence of oil in the disputed area is confirmed and considering Equatorial Guinea's dire need for solid foreign exchange earner, it is not unlikely that the issue will be revived by her.

99. *Ibid.* No. 2889, cit. p. 1439.

100. *Ibid.* No. 2890, October 30, 1972, p. 1472.

101. *Ibid.*

102. *West Africa*, No. 2891, 6th November 1972, p. 1510.

103. *The New Nigeria*, Kaduna, 14, 1972, at p. 8.

Again, Gabon's reported request from France for documents concerning her treaties with Spain over the disputed area is disturbing but not surprising. It shows to what extent even after independence former colonial masters can still hold the newly independent African States to ransom.

IV. PROSPECTS FOR THE FUTURE

It is clear that at the moment the OAU does not possess any effective machinery for settling Africa's boundary and territorial disputes. The urgency of the situation doesn't even seem to have dawned on many African States especially those of them whose supposedly arid terrain has not yielded the pretext such as oil or other mineral for their neighbours to contest inherited common boundaries.

One would expect that following the OAU declaration of 1964 on inherited national boundaries referred to above the Organisation would have taken practical steps to inform itself and its entire members about the past history and current position of Africa's common boundaries. Most published maps give the false impression that all African boundaries are definitive which most of them are not. It is, therefore, high time the OAU published its own well documented atlas of the new States of Africa indicating all the boundaries that have been delimited and demarcated as well as undefined boundaries. In this way, African States unlucky to possess undefined common borders can proceed to rectify the anomaly immediately, thus removing the future source of irritation to their neighbourly relationship.

There is, therefore, a crying need for the creation by African States who share common borders of *Permanent Mixed Boundary Commissions* of judicial status to deal with all boundary and territorial matters. Some States seem already to appreciate the importance of such a body.

Recently, for example, Ethiopia and Sudan announced that they have agreed to mark their common border and to identify and mark farms tilled by nationals of one country (as enclaves) in the territory of the other. Progress towards settling their long-standing dispute was reported in a Communique issued by the *Joint Ministerial Consultative Committee* formed by the two countries to seek solutions to their border and other common problems.¹⁰⁴

This is encouraging. However, what we have in mind is a permanent mixed boundary Commission made up of experts knowledgeable in the law, sociology

104. *Daily Times* (Lagos), March 13, 1973, p. 9. In the Treaty of Solidarity and Cooperation signed in Jan. 1969, Algeria and Morocco agreed to submit all questions at issue between them to joint Commissions which would be responsible for finding suitable solutions. See p. 190. Similar Commissions have been set up by Ghana and Upper Volta, Ghana and Togo, Nigeria and Cameroon, Ghana and Ivory Coast, Sierra Leone and Guinea, and Senegal and the Gambia.

and geopolitics of national boundaries with competence to take binding decisions.

The fact that each African State has common borders with more than three States at a time is no obstacle to constituting these permanent mixed boundary commissions. The same experts can serve as their country's representatives in each of the commissions necessitated by the number of common boundaries it shares with other States. This is beneficial in many ways. For one, it will eventually lead to uniformity in boundary practice among African States which may well crystallise into customary rules. Again, it makes for continuity and varied experience among the personnel of each State assigned to boundary matters.

The functions of the Permanent Mixed Boundary Commission shall not be limited to delimitation and demarcation. They should be as complex and far reaching as those of the International Boundary Commission which was set up by Canada and the United States of America. Thus, the Permanent Boundary Commission should be mandated to produce an effective boundary line where none exists and be directed as in the USA-Canada arrangement:

To inspect...the boundary...; to repair all damaged monument and buoys to relocate and rebuild monuments which have been destroyed; to keep the boundary vistas open; to...establish such additional monuments and buoys as they shall deem desirable; to maintain at all times an effective boundary...; and to determine the location of any point of the boundary line which may become necessary in the settlement of any question that may arise between the two Governments.¹⁰⁵

The continuous functioning of permanent boundary Commissions is an important factor in the efficient operation of any international boundary.

It is common knowledge that the dispersal of the same ethnic groups on both sides of a common boundary has caused some of the border conflicts in Africa. African States should, therefore, agree on bilateral basis through the machinery of the Permanent Mixed Boundary Commission on the extent of border regulations necessary in these special areas to stem smuggling, subversion and other criminal acts in which the miscreants find sanctuary among their kith and kin in neighbouring States.

Ten years is sufficient time for the OAU to have taken full stock of its misfeasance and non-feasance in boundary and territorial matters. It is hoped that the experience of this past decade will enlighten African leaders towards accepting the realities of their national boundaries and effecting rectifications, wherever possible, in a spirit of amity, understanding and, if need be, compromise.

105. Boggs, *International Boundaries* (Columbia University Press, New York, 1940).

THE INTERNATIONAL COURT, IMPARTIALITY AND JUDGES AD HOC

DANIEL D. NSEREKO*

As part of the mechanism for the maintenance of international peace and security, the world community, through the League of Nations, established the Permanent Court of International Justice.¹ It was called "permanent" in order to distinguish it from the *ad hoc* judicial bodies which nations set up from time to time to deal with specific matters. It was called "international" because it was essentially concerned with international adjudications by sovereign States. The Court was continued over in the new era under the United Nations Organization with slight appropriate modifications in its Statute as the International Court of Justice. Article 92 of the U.N. Charter specifically designates it as "the principal judicial organ" of the organization. It is supposed to be composed of a body of "independent" judges elected regardless of their nationality from among persons of "high moral character".² Thus, similar to most domestic courts, it was recognized that for its effectiveness, its judges must be independent, but independent of what? Of considerations such as their own personal advantages, personal liking or sympathy for a party to a case before them, or any "emotional preference for any relatively short-range policy not designed to effectuate the long-range policy (they are) called upon to implement".³ They must, in other words, be and clearly so appear, impartial. Is the institution of national or *ad hoc* judges compatible with this lofty objective? It is in this context that this article attempts to discuss the provisions of the Statute and the Rules of the International Court of Justice relating to the appointment of judges *ad hoc*, the merits and demerits of the institution and, finally to posit some possible solutions.

I. APPOINTMENT

A. Contentious Proceedings

Situations do arise when one party to a case before the International Court has a judge of its nationality on the bench while the other does not. At other instances both parties may not have any of their nationals as judges on the Court. In yet another, they may both have such judges. Looked at from the point of view of a cohesive society, these situations do not appear to present any problem. After all, in national societies which are, not infrequently, heterogeneous, judges belonging to various ethnic, cultural, political or religious backgrounds adjudicate cases in which the parties may not necessarily belong

*Advocate and Lecturer in Law, Makerere University, Kampala.

1. Art. 14 of the Covenant of League of Nations.
2. Art. 2 of the Statute of the International Court of Justice, hereinafter referred to as the "International Court" or the "I.C.J." or simply the Court.
3. See Oliver J. Lissitzyn, *The International Court of Justice*, p. 58.

Annex 231

M. DeLancey, "Historical Dictionary of the Republic of Cameroon," 3rd. Ed., AFRICAN
HISTORICAL DICTIONARIES No. 81 (2000)

Historical Dictionary of the Republic of Cameroon

Third Edition

Mark W. DeLancey
Mark Dike DeLancey

African Historical Dictionaries, No. 81



The Scarecrow Press, Inc.
Lanham, Maryland, and London
2000

SCARECROW PRESS, INC.

Published in the United States of America
by Scarecrow Press, Inc.
4720 Boston Way, Lanham, Maryland 20706
<http://www.scarecrowpress.com>

4 Pleydell Gardens, Folkestone
Kent CT20 2DN, England

Copyright © 2000 by Mark W. DeLancey and Mark Dike DeLancey

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of the publisher.

British Library Cataloguing in Publication Information Available

Library of Congress Cataloging-in-Publication Data

DeLancey, Mark.

Historical dictionary of the Republic of Cameroon.—3rd ed. / Mark W. DeLancey & Mark Dike DeLancey.

p. cm.—(Historical dictionaries of Africa ; no. 81)

Rev. ed. of: Historical dictionary of the Republic of Cameroon. 2nd ed. / by Mark W. DeLancey and H. Mbella Mokeba. 1990.

Includes bibliographical references.


ISBN 0-8108-3775-7 (cloth : alk. paper)

1. Cameroon—Historical—Dictionaries. I. DeLancey, Mark D. II. Title. III. African historical dictionaries ; no. 81.

DT563.D45 2000

967.11'003—dc21

99-086621

™ The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI/NISO Z39.48-1992. Manufactured in the United States of America.

200 • NEW KAMERUN (NEUKAMERUN)

The major political landmarks of the New Deal have been the introduction of competitive lists in the legislative election process and the voluntary return of some former Cameroonian exiles from abroad. While Biya has moved with great hesitation toward a more transparent and multiparty system, the movement toward democracy can be considered an achievement of the New Deal. The New Deal has also been hit by shortcomings. Activities by nonestablishment political figures, such as Joseph Sende and Gordji Dinka, have been utilized by government to illustrate the limits of the New Deal experiment. *See also* BAMENDA CONGRESS; RIGOR AND MORALIZATION.

NEW KAMERUN (NEUKAMERUN). A territorial exchange between **France and Germany** in 1911 allowed Germany to obtain a considerable piece of territory from French Congo in compensation for surrendering its existing rights over Morocco to France. The acquisition of part of the French Congo territory increased Kamerun's territorial size from 465,000 to 760,000 square kilometers. There was considerable debate on the rationale for such territorial exchange, which did not provide any potential for commercial exploitation or economic value for Germany. The German colonial secretary was forced to resign over the issue. The New Kamerun territory remained part of German **Kamerun** until 1916. Following the defeat of the Germans in the Kamerun Campaign of **World War I**, the territory was returned to France as part of French Equatorial Africa.

NFON. *See* FON.

NGANGO, GEORGES (1932–1998). This elite economist and leading governmental figure in the **Paul Biya** administration served as minister of national education until April 1989. He was born in Elongnango in the Sanaga-Maritime Division of the **Littoral Province** on 17 June 1932 and attended Catholic institutions in Marienberg and **Edea** before entering the seminaries in Edea, Akono, and Mvaa for secondary education. His higher education was in the Universities of Strasbourg, Bordeaux, and Lyon where he successfully obtained bachelor's degrees in economics and sociology and a *doctorat d'état* in economic sciences. On his return to Cameroon, he served as professor in the faculty of law and economics of the **University of Yaoundé** and as the dean of faculty. He was also appointed director-general of the University Center of **Douala** prior to his ministerial function.

Annex 232

“Gabon/Guinée Équatoriale: Frontières: Litiges Bientôt Régles” *La Lettre Afrique Expansion*
(12 February 2001)

TRANSLATION

No. 679 – MONDAY, FEBRUARY 12, 2001

THE AFRICA EXPANSION LETTER

WEST AND CENTRAL AFRICA

GRANDS MOULINS D'ABIDJAN: STANDOFF ON THE QUALITY OF FLOUR. The national union of bakers and pastry chefs of Côte d'Ivoire and Grands Moulins d'Abidjan (GMA) have finally put an end to the dispute that has challenged them for several years. In fact, following a complaint by bakers and pastry chefs for "abuse of trust and deception on the quality of flour," the GMA had been sentenced by the court to pay an amount of 8 billion CFA francs to the bakers and pastry chefs. This money, that had not been paid, has simply been waived at the end of the agreement reached between the two parties to "bury the war hatchet" last January 25. This decision is in reality the result of many activities, especially training activities, that the GMA has continued to conduct on behalf of the baking profession. This ended up convincing the bakers that their dream of raising the professional level of the members of their corporation could not take shape without contribution from industry, thus explaining the return to peace, signed by the two parties.

COFFEE/CACAO: ESTABLISHMENT OF A NEW FEE.

The council of ministers of January 31 decided to establish a professional fee regarding coffee/cacao. This fee, intended for the "creation of funds for the development and promotion of a coffee and cacao sector producers' fund," was set at 35 CFA francs/kg of cacao versus 10 CFA francs per kg of coffee. From now on, the exportation of products from the coffee/cacao sector entails a payment by the exporter at the time of shipment, in addition to the registration fee and the exit tax (DUS) paid to the Government, of a fee paid to the Coffee and Cacao Regulation Authority (ARCC) and to the Coffee and Cacao Exchange (BCC). These levies will be used to replenish the development and promotion of coffee/cacao sector producers' business funds. In this respect, the Ivorian production of cacao should not go beyond a million tons and the coffee production is set at 250,000 tons. This fee, for which the funds will be housed in the BCEAO (the Central Bank of West Africa Governments), is expected to bring in 37 billion CFA francs this year.

FUEL: AN INCREASE AT THE PUMP. The cost of gas increased at the pump. From 578 CFA francs, the price for a liter of super unleaded went to 590, the price for regular unleaded went from 538 CFA francs to 550, and the price of oil gas from 370 CFA francs to 410. The Ministry of Mines and Energy justified this last increase by "the increase of the price of the barrel of oil". In spite of its desire, in the council of ministers on January 3, "not to pass on to Ivorian consumers the regular increases of crude oil prices and the \$ in order to preserve the consumer's purchase power and to control inflation regarding the surge of the prices of oil products," the government had to bend to the reality of the market in order to prevent the Ivorian Refining Company (SIR) from disappearing. It is so true that the price suppression applied by successive governments

since 1999 has translated for this state-owned company, which has a monopoly on the importation and provision of oil products, to a treasury deficit of 37 billion CFA francs, posing an obstacle to its future.

SPECIAL**GABON / EQUATORIAL GUINEA BORDERS: LITIGATION SOON SETTLED**

Gabon and Equatorial Guinea have brought to a close, consensually, on February 1, the work of the ad hoc commission on their borders. The delegations of the two countries expressed their satisfaction through a report that focused on the maritime border. The Gabonese Minister of the Interior, Antoine Mboubou Miyakou, stated that "Gabon will not spare any effort in the sense of strengthening the historical and familial bonds that exist between the two peoples." The head of the Equatorial Guinean delegation, Santiago Nsobeya Efuman Nchama, stressed that "the excellence of the relationship between Presidents Omar Bongo and Obiang Nguema constitutes for the Equatorial Guinean party an additional motivation to seek a fair solution to the border dispute between our two countries."

The questions related to the land border between the two countries will be debated during the next meeting in Equatorial Guinea, in the second quarter. Antoine Mboubou Miyakou and Santiago Nsobeya Efuman Nchama have, through a report, reaffirmed the use of all legal and historical instruments necessary for the equitable delimitation of their borders, namely the Franco/Spanish Convention of June 27, 1990, the Charter of the United Nations, the Charter of the Organization of African Unity (OUA), and the international convention on the law of the sea. The two parties agreed to substantiate, on the cartographic documents kept by joint agreement, all hypotheses that may be used during the next work session.

The Equatorial Guinean party presented the division of the maritime border in three parts, putting aside the Mbanié, Conga, Cocotier islands, to substantiate the border between the two countries better. The situation of the islands will be examined later. Gabon and Equatorial Guinea had come close to confrontation in the 1970s following a dispute concerning the sovereignty of Corisco Island, 17 km² wide, that the two countries claimed. Presidents Macias Nguema and Omar Bongo had not found any final settlement of this disagreement. More than a century ago, Corisco Island had been used for profitable slave trafficking that the Spaniards stopped in 1871. Corisco Island, undeveloped, is located 1 hour and 30 minutes by boat off the Gabonese coasts and is inhabited by around 150 residents.

(From our correspondent in Libreville)

WATER STREET TRANSLATIONS



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by James Davis, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

07/17/20

Date



GRANDS MOULINS D'ABIDJAN: BRAS DE FER SUR LA QUALITÉ DE LA FARINE.

Le syndicat national des boulangers et pâtisseries de Côte d'Ivoire et les Grands Moulins d'Abidjan (GMA), ont définitivement mis fin au différend qui les oppose depuis plusieurs années. En effet, suite à une plainte des boulangers et pâtisseries pour "abus de confiance et tromperie sur la qualité de farine", les GMA avaient été condamnés par la justice à payer un montant de 8 milliards de F CFA aux boulangers et pâtisseries. Cette somme, qui n'avait pas été payée, a tout simplement été levée à l'issue de l'accord intervenu entre les deux parties pour "enterrer la hache de guerre", le 25 janvier dernier. Cette décision étant en réalité la résultante des nombreuses actions, surtout de formation, que les GMA n'ont cessé de mener en faveur de la profession boulangère. Au point de finir par convaincre les boulangers que leur rêve d'élever le niveau professionnel des membres de leur corporation ne saurait prendre forme, sans la contribution de l'industriel, expliquant ainsi le retour à la paix signé par les deux parties.

CAFÉ/CACAO: INSTITUTION D'UNE NOUVELLE REDEVANCE.

Le conseil des ministres du 31 janvier a décidé l'institution d'une redevance professionnelle en matière de café/cacao. Celle-ci destinée "à la constitution d'un Fonds de développement et de promotion des activités des producteurs des filières café et cacao" a été fixée à 35 F CFA/kg de cacao contre 10 F CFA par kg de café. Désormais, l'exportation des produits de la filière café cacao donne lieu à paiement par l'exportateur au moment de l'embarquement, en plus de la taxe d'enregistrement et du droit unique de sortie (DUS) versés à l'Etat, d'une redevance versée à l'Autorité de régulation du café et du cacao (ARCC) et à la Bourse du café et du cacao (BCC). Ces prélèvements serviront à renflouer les caisses du Fonds de développement et de promotion des activités des producteurs des filières café/cacao. A ce titre, la production ivoirienne de cacao ne devant pas dépasser le million de tonnes et la production caféière étant fixée à 250 000 t. Il est attendu de cette redevance, dont les ressources seront domiciliées à la BCEAO (Banque centrale des Etats d'Afrique de l'Ouest), qu'elle rapporte quelque 37 milliards de F CFA cette année.

CARBURANT: HAUSSE À LA POMPE. Les prix de l'essence a augmenté à la pompe. Ainsi de 578 F CFA, le litre de super est passé à 590, celui de l'essence ordinaire est passé de 538 F CFA à 550 et celui du gaz oil de 370 F CFA à 410. Cette dernière hausse, le ministre des Mines et de l'Energie l'a justifiée par "la hausse du prix du baril de pétrole". En dépit de sa volonté exprimée en conseil des ministres, le 3 janvier, de "ne pas répercuter intégralement aux consommateurs ivoiriens, les hausses régulières du cours du brut et du \$ afin de préserver le pouvoir d'achat du consommateur et de maîtriser l'inflation face à la flambée des prix des produits pétro-

SPECIAL

GABON/GUINÉE ÉQUATORIALE FRONTIÈRES: LITIGES BIENTÔT RÉGLÉS

Le Gabon et la Guinée Equatoriale ont clôturé, de manière consensuelle, le 1^{er} février, les travaux de la Commission ad hoc sur leurs frontières. Les délégations des deux pays ont exprimé leur satisfaction à travers un procès-verbal qui a privilégié la frontière maritime. Le ministre gabonais de l'Intérieur, Antoine Mboubou Miyakou, a déclaré que "le Gabon ne ménagera aucun effort dans le sens des raffermissements des liens historiques et familiaux qui existent entre les deux peuples". Quant au chef de la délégation équato-guinéenne, Santiago Nsobeya Efulman Nchama, il a souligné que "l'excellence des rapports entre les Présidents Omar Bongo et Obiang Nguema, constitue pour la partie équato-guinéenne une motivation supplémentaire pour chercher une solution juste au contentieux frontalier entre nos deux pays".

Les questions relatives à la frontière terrestre entre les deux pays seront débattues au cours d'une prochaine rencontre en Guinée-Equatoriale, au deuxième trimestre. Antoine Mboubou Miyakou et Santiago Nsobeya Efulman Nchama, ont, à travers un rapport, réaffirmé l'utilisation de tous les instruments juridiques et historiques nécessaires à la délimitation équitable de leurs frontières, à savoir la Convention franco/espagnole du 27 juin 1900, la charte des Nations unies; la Charte de l'Organisation de l'unité africaine (OUA) et la Convention internationale sur le droit de la mer. Les deux parties ont convenu de matérialiser, sur les documents cartographiques retenus d'un commun accord, toutes les hypothèses pouvant servir lors de la prochaine séance de travail.

La partie équato-guinéenne a présenté le découpage de la frontière maritime en trois parties en faisant abstraction des îles Mbanié, Conga, Cocotier, pour mieux matérialiser la frontière entre les deux pays. La situation des îles sera examinée par la suite. Le Gabon et la Guinée Equatoriale avaient frôlé l'affrontement dans les années 1970 à la suite d'un différend concernant la souveraineté de l'île de Corisco, large de 17 km², que les deux pays revendiquaient. Les Présidents Macias Nguema et Omar Bongo n'avaient pas trouvé de règlement définitif à ce désaccord. Il y a plus d'un siècle, l'île de Corisco avait servi à un fructueux trafic d'esclaves auquel les Espagnols renoncèrent en 1871. L'île de Corisco, non développée, se trouve à 1 heure 30 par bateau au large des côtes gabonaises et est peuplée de 150 habitants environ.

(De notre correspondant à Libreville)

liers", le gouvernement a dû se plier à la réalité du marché pour éviter à la Société ivoirienne de raffinage (SIR) de disparaître. Tant il est vrai que le blocage des prix appliqué par les gouvernements successifs depuis 1999 s'est traduit pour cette société étatique, qui jouit d'un monopole d'importation et de fourniture des produits pétroliers, par un déficit de trésorerie de 37 milliards de F CFA posant une hypothèque sur son avenir.

Annex 233

E.M. Yolla, *Foreign Policy of Gabon*, Etudes Africaines (2003)

TRANSLATION

EUSTACHE MANDJOUBOU YOLLA

GABONESE FOREIGN POLICY

African Studies

African Studies

L'Harmattan
5-7, rue de l'École Polytechnique
75005 Paris
FRANCE

L'Harmattan Hungary
[illegible]
1026 Budapest
HUNGARY

L'Harmattan Italy
[illegible]
[illegible]
ITALY

WATER STREET TRANSLATIONS

TRANSLATION

[...] only 11 agents. There was the director, the two division heads, one head of research, five civil servants, and two secretaries. On that date, among the geographic departments, it was still one of the best endowed in terms of personnel. It came in second after the European Department, which had 15 agents, and before the American and Asian Departments, with 10 and 8 agents, respectively.⁹⁴

It is almost a truism to say that the staff remains inadequate in face of the immensity of the task assigned to it. That, without doubt, is the cause of the use of persons outside the framework of parallel diplomacy, if it is not, on the other hand, a consequence of the important practice of this parallel diplomacy which might have resulted in the transformation of the governmental department as merely a screen. The staff of the various departments would have to be proportional to the extent of the field of expertise. Thus the Africa Department would have to be filled out so that it could at least follow the development of the diplomatic network at the continental level.

II – The negotiations on the borders

Gabon has land borders with three neighboring countries, Equatorial Guinea to the northwest, Cameroon to the north, and Congo to the east and south of the country. The border between Gabon and Congo is 1700 km long. Between Gabon and Equatorial Guinea the border extends over 330 km, and that with Cameroon is 240 km. Overall, this represents 2270 km of land borders for the country, as opposed to 850 km of coastline exposing the country to the Atlantic Ocean on the western front. Off these coasts, at about 350 km, are the islands of Sao Tome and Principe.

In this section our focus will be on the manner in which the negotiations on these borders are conducted by the Gabonese side. But before studying the role, or rather the influence of

⁹⁴ During our second stint at MAECF during the year 2001 we were able to determine that an effort had been made with regard to recruitment. For example, the Africa Department then included 21 agents, the Asia-Pacific Department 11, and the Treaties Department 6.

TRANSLATION

various actors directly involved in these negotiations on the borders, we will recall the state of the Gabonese borders at the time of independence.

A- The status of the Gabonese borders since independence⁹⁵

Without going into the technical details of the delineation of the borders, what is important to note for our purposes is that the current border between Gabon and Cameroon is that which was fixed by the agreement dated April 18, 1908, between the French and the Germans.⁹⁶ At the time, the parties agreed to adapt the border to the natural features. Thus the border followed the line of the tributaries of the Ntem and the Ivindo. The primary difficulty is constituted by the fact that this natural configuration of the border is not as clear over the entire length of the delineation. In certain zones the line of the border must still today be defined between Gabon and Cameroon, two states that since then have gained their independence.

The border between Gabon and Equatorial Guinea dates from the Treaty of June 27, 1900, between the French and the Spanish, following claims dating from 1885 by each side to the territory between the mouth of the Ntem and that of the Muni, and that had not been brought up in Berlin in 1885. This border remains quite abstract because the natural features do not allow its lines to be actualized, aside from the fact that it includes a maritime extension. A common characteristic of all of Gabon's borders with the neighboring countries is that they are right in the equatorial wetland zone dominated by

⁹⁵ We shall not here go into any technical details on the delineation of the borders due to our lack of knowledge of the geographic and geometric tools that served as instruments for measuring these borders. For more specifics, see Roland Poutier, *Le Gabon. Volume 1: Espace – Histoire – Société*, Paris, L'Harmattan, pp. 99-137.

⁹⁶ This border underwent changes, notably following the second Moroccan crisis, which erupted on July 1, 1911, with the "Agadir strike." The agreement dated November 4, 1911, amputated 275,000 km² from FEA to the benefit of the German colony. The north of French Gabon was part of the territory ceded. There was a return to the delineation of 1908 after the defeat of the Germans in the First World War. See Roland Poutier, *op. cit.*, pp. 101-104.

TRANSLATION

dense forests. With this type of contour, it is not always easy to perform any rigorous tracing along these borders, which cross this virgin forest. In 1972 the border between Gabon and Equatorial Guinea was the cause of a dispute between the two countries. It concerned the islands of Mbanié and Cocotier, which would be invaded by Gabonese gendarmes. This conflict played out against the backdrop of petroleum resources that were said to surround these islands. No solution to this crisis was found, the OAU having decided merely to maintain the status quo in this region. For some time, the two countries have undertaken diplomatic negotiations over these disputed borders.

Contrary to the first two, the border between Gabon and Congo did not become international until independence in 1960. It was drawn internally by the administrative organization of the French Congo, which later became French Equatorial Africa (FEA) on January 15, 1910. This border underwent several transformations, often executed to satisfy the economic needs of the colonies. One example is the amputation from Gabon of the province of Haut-Ogooué, which was reattached in 1925 to Middle Congo, followed by its restitution to Gabon in 1946 by the order dated October 16.

Roland Pourtier gives a good description of the context in which this border between Gabon and Congo was delineated. "In tracing a line of demarcation between the two states, the colonial administration did not take care to define with any rigor what was in fact merely an 'internal border' of convenience. It left in place the contradictions in details contained in the orders defining the limits of circumscriptions that have today acquired the status of an international border. This laxity resulted in uncertainties and border disputes."⁹⁷ These questions are all the more complex because the south and west of Gabon are not agricultural zones. In fact, geography teaches us that agriculture also has a role in covering space, which contributes to the sovereignty of the state over that space.

⁹⁷ *Idem*, p. 121

TRANSLATION

The disputes between the two countries are numerous and concern the provinces of Ogooué-Ivindo, Ngounié, and Haut-Ogooué. In Ogooué-Ivindo the dispute is centered on the Djoua zone. The Ad Hoc Commission had the task of trying to determine the primary course of this river and its tributary. The Djoua (or Yenze on the Congolese side) is a river located northeast of Mékambo that serves as a border between the two countries. In the Nyanga province there is a dispute in the region of Mont Fouari, located some fifty kilometers south of the city of Ndendé. Another dispute continues between the Banio and Conkouati lagoons, the point of departure for the maritime border between the two countries. In Ngounié, the dispute is situated at the limits of the former subdivisions of Mbigou (Gabon) and Divénie (Congo). In the province of Haut-Ogooué the dispute concerns only a group of Gabonese villages located northeast of Onga and administered by Congo. At the last meeting of the joint Ad Hoc Commission on Boundaries, the Congolese side included in the negotiations the questionable collar area of Malassa and Mbomo, located northeast of Lekoni. Gabon, for its part, is ignoring the situation in this zone for the moment. In order to try to resolve all of these border disputes, the two countries have long undertaken negotiations similar to those conducted with other countries bordering on Gabon.

B- The decisive role of the governmental department in the negotiations

As with anything that touches on foreign policy, political power in Gabon always has an eye on border issues. Furthermore, it should not be necessary to recall that one of the primary concerns of those in government is to control all of the territory on which their authority is exerted and to defend the sovereignty of their country against outside aggression, because that sovereignty is above all territorial. Since the Congolese Civil War of 1997 the situation on the Gabonese borders has become critical due to the large number of Congolese refugees on Gabonese land. The

TRANSLATION

situation is such that the border issues in Gabon have become extremely sensitive for political power.

On a more practical level, it is the governmental departments of the Minister of the Interior, Public Safety, and Decentralization and of the MAECF that play the most significant role in negotiations on the borders. The Ministry of Defense is also involved due to the sporadic military incursions by the Congolese into Gabonese territory. If one takes, for example, the 12th session of the Gabon-Cameroon Main Joint Cooperation Commission, two representatives of the National Boundaries Commission were part of the Gabonese delegation. Over the course of this session the Gabonese delegation gave an account of the mission assigned to it by the 10th and 11th sessions of this joint commission to the French National Geographic Institute (IGN-France) for expertise. This 12th session decided to establish an ad hoc commission composed of experts from the two countries in accordance with the agreement concerning the border between Cameroon and Gabon signed at Ngaoundéré on June 14, 1976. This commission was given the assignment of specifying the delineation of the boundary where gray areas still remained.

There were many meetings between Gabon and Congo on the subject of delineating the border between the two countries. At the 5th session of the Main Joint Cooperation Commission held in Brazzaville on February 4 to 7, 1985, the delegates noted disagreements on the borders, notably in the area of Mont Fouari. This is also evidenced by the convening of the Ad Hoc Commission in Libreville and Franceville from June 8 to 13, 1988, on the border between Gabon and Congo in the area of the Banio lagoon (department of Haute Banio in the province of Nyanga. The final work by the Joint Ad Hoc Boundary Commission took place in Tchibanga, the provincial capital of the province of Nyanga, from February 13 to 15, 2001. The Gabonese delegation was led by the Minister of the Interior, Antoine Mboumbou-Miyakou, assisted by the Minister for National Defense, Ali Bongo. At these meetings the main issue was the fate of the Congolese refugees.

TRANSLATION

The question of delineating the borders was barely mentioned and its discussion tabled for a later date. In fact, due to the Congolese Civil War, Congo did not have enough time and means to devote to the problem of borders. Moreover, some relevant documents had been destroyed during the confrontations. And at the Tchibanga meeting the Congolese delegation included only one expert on border issues. The two parties agreed on a subsequent meeting in order to allow the Congolese party to reconstruct its documentation. The two parties were also supposed to jointly undertake new missions on the ground and to contact the IGN-France for aerial and satellite photos.

With respect to the Gabon-Equatorial Guinea border, the last meeting of the Ad Hoc Boundaries Commission dates back to January 2001. It was held from January 29 to 31 in Libreville. The last meeting of the Main Joint Committee between the two countries dates from October 3 to 5, 1994, and that one was at Bata. As far as the maritime border is concerned, at the meeting of the Ad Hoc Commission the two parties reaffirmed the use of all the legal and historical instruments necessary for the delimitation of their border, i.e. the Franco-Spanish Treaty of June 27, 1900, the United Nations Charter, the Organizational Chart of the African Union, and the International Treaty on the Law of the Sea. The Equatoguinean party proposed that the Brazzaville Agreement of 1972 be incorporated among the elements of the negotiations. Then the two parties expressed the intent to actualize the various working hypotheses on cartographic documents. The Equatoguinean party thus presented the Gabonese party with two working hypotheses:

- cutting the zone into three sectors;
- delimitation of the maritime border, leaving aside the islands of Mbanie, Conga, and Corisco in order to visualize the general overview and trace a median line between the two territories, and then examine the situation of the islands after this delineation.

TRANSLATION

Each of the two parties presented nautical charts to serve as a working basis. These cartographic documents are to be exchanged by diplomatic route. The examination of the working hypotheses mentioned above will be done at the next meeting of the Commission, which is supposed to take place during the second trimester of this year, 2001, in Equatorial Guinea. The examination of the problems related to the land border was deferred to the next meeting of the Commission. The Gabonese party nevertheless asked the Equatoguinean party to have the consular issues as well as those related to cross-border traffic examined in the course of this Ad Hoc Commission's work.

What is interesting here is the composition of the Gabonese delegation, which was led by Antoine Mboumbou-Miyakou, Minister of the Interior. Among the numerous Gabonese experts were those from the Ministry of the Interior and those from the MAECF. The three permanent members of the National Boundaries Commission were also present. Of 57 persons included in the Gabonese delegation, there were 5 members of government and only one representative of the President of the Republic. The rest represented the various governmental departments involved in this matter.

An ad hoc commission between Gabon and Sao Tome also met from August 28 to 31, 1984, to discuss the maritime border between the two countries. An agreement was reached at this meeting, and although it has not yet been ratified by the Main Joint Commission between the two countries, there is no dispute between the two states in this regard. The two countries are separated by a coastline of approximately 350 km.

Without reviewing all of the meetings held with the objective of discussing borders, what is important to note is that the agents of the Ministry of the Interior and the MAECF play a central role in this process. They bring indispensable "expertise" with which they face off against that of the neighboring country in order to arrive at a definitive solution for these disputes that, even if they touch only on small areas, are of no less concern to the governments of these states. One would not

TRANSLATION

necessarily consider the expertise here within the technical meaning of the term. In fact, in our interviews, certain agents of the MAECF denounced the fact that there were no actual experts on the questions of borders in their ministry. To speak of experts at the MAECF is an exaggeration because the latter are not possessed of geographic, cartographic, geometric, and certainly not geodesic knowledge. Most of the time they contented themselves with making sure that their ministries were represented at meetings of the Ad Hoc Commission without being actual players in the negotiations. Contrary to the experts from the Ministry of the Interior, their expertise stemmed from the fact that they followed the development of the negotiations in order to keep their ministry informed.

With regard to these border issues, two final remarks are in order. The first is that in the process of settling disputes with the neighboring countries one notices a bureaucratization of the trend that runs counter to the concept of transnationalism (which supports the theory that the central role of the state at the international level is being overtaken) which is often the case with these trends. Furthermore, the political dimension that contributes to the practice of personalization, due to its relative independence, is secondary as compared to the technical dimension required for conducting diplomatic relations in this regard.

Second, the delineation occupies both states, for the present and the future. Therefore it must be based on objective criteria accepted by both parties. It must not depend solely on good personal relationships between governments to resolve the disputes, only to have them flare anew at the first change of presidents in one of the countries.

Cooperation among African countries is a subject that is often neglected because the exchanges among them are poorly developed. These countries being structurally similar, particularly in the economic sphere, they tend rather to direct their exchanges toward the developed countries, which are different from them from any perspective.

TRANSLATION

On the diplomatic level, the repercussions are all too visible. Nevertheless, the situation is evolving; certainly slowly, but also irreversibly. First because the purpose of the 1994 devaluation of the CFA franc was, among other things, to favor the development of exchanges among African countries. Furthermore, there were not insignificant exchanges between Gabon and Cameroon or Sao Tome on the subjects of education and economics. And today, regional integration is a major concern in the eyes of the leaders of these states because the trend at the global level is toward regional economic groupings. At the same time the international financial institutions urge the African states to follow this path, which currently seems to be the only that would guarantee better development in the future.

On the subject of cooperation and borders, the political power, i.e. the president of the republic, maintains the upstream power of decision. Downstream, at the time the decision is prepared, the presidency cannot intervene efficaciously because it does not have the personnel to manage the many cooperation dossiers, nor does it have sufficient expertise to understand the technical aspects of borders, for example. At this stage one is obliged to maintain a minimalist concept of the influence of political power. The latter is not the antithesis of institutionalization, as is personalization, but is exercised within the legal framework as provided by basic law. What is becoming more and more clear is that personalization and institutionalization tend to complement one another in the management of the African state.

Section 3: Gabonese practice of international law

Besides the African states, Gabon also maintains cooperation with other countries of the world, primarily the developed countries or, to be more precise, with those countries that are considered the major political and/or economic powers on the international level. These are [...]

TRANSLATION

3- The conduct of diplomatic negotiations on the financing of the Trans-Gabon Railway

In conducting diplomatic negotiations on seeking financing for the railroad, what is remarkable is the personal investment by the Gabonese head of state. His involvement is likely to become almost physical in this matter that he seeks to realize as quickly as possible. Following the refusal of the World Bank to participate in the financing of the Trans-Gabon Railway, Omar Bongo is challenging this institution to reach the end of his project. With this challenge, Omar Bongo is making a commitment to his people to realize the Trans-Gabon Railway, and it is becoming an obsession. The consequences for the country's foreign policy are many.

First, the enrolment of Gabon's diplomatic action in the Non-Aligned Movement is a way of contesting the omnipotence of the United States on the global financial plane. Then there is the rapprochement with the Arab countries, which went as far as conversion to Islam by Omar Bongo and some of his entourage in 1973. This attitude characterizes the president's desire to integrate OPEC and to obtain the financing for the railway. Finally, there is an acceleration of the negotiations with France, which Omar Bongo will conduct himself, in person. One might recall that in his address upon arriving in Libreville on February 11, 1971, President Pompidou expressed only "friendly interest"⁹⁸ on the part of France in the construction of the railway in Gabon. Things would then change. From December 1 to 13, 1972, Omar Bongo visited France. At lunch with the French president on December 7 the subject came up, among others, of the financing of the Trans-Gabon Railway. From May 10 to 21, 1973, the Gabonese President made another trip to France. On the 11th he met with Mr. Messmer, the prime minister, to issues of cooperation in general and the Trans-Gabon Railway in particular. It was at the end of this visit that he announced French participation [...]

⁹⁸ *La Politique étrangère de France. Textes et documents*, 1st half of 1971, pp. 98-99.

TRANSLATION

exterior of Gabon. In order to get around this obstacle, they contented themselves with stating the existence of a department dealing with hydrocarbons in the presidency of the Republic, the presence of Omar Bongo's "Mr. Petroleum," who is none other than Dossou Aworet, who also has an office in the presidential palace. Moreover, the directors of Elf Gabon and those of the parent company Elf Aquitaine are received only by the presidency of the Republic and frequently by Omar Bongo himself, emphasizing the importance of oil to the latter. It is the convergence of these three situations on the same point, the presidency of the Republic of Gabon, that constitutes proof, even if it is secondary or rather fabricated.

More concretely, in Gabon the CEOs of Elf Gabon are generally received only by Omar Bongo to discuss production and the company's future. This was the case for André Tarallo, Jean-François Gavalda, and today, Michel Bénézit. The same is true for the presidents of the parent company, Elf Aquitaine, who are received in Gabon only by the highest levels of the State other than when they are on site at Port-Gentil. This was also the case for Loïk le Floch-Prigent, then Philippe Jaffré, and currently Thierry Desmarest, president of the new TotalFinaElf Group. The latter, in fact, made his first visit for the subsidiaries of the new group in Gabon because Elf Gabon is the first subsidiary of the group to be based in Africa since 1928. Elf Gabon is also the group's largest producer on the African continent, which, in the eyes of the group's directors and the Gabonese government, is a fundamental factor in the relations they maintain.

Omar Bongo has always insisted on participating personally in the renegotiation of cooperation agreements between Gabon and France. The example of the exchanges on uranium is revealing of the Gabonese president's desire to be personally familiar with the raw materials that, after all, contribute the recourses necessary for the State to function and for him to maintain his regime.

From February 7 to 12, 1974, Omar Bongo went to Paris to renegotiate the cooperation agreements from 1960. On the 7th he

TRANSLATION

met with Mr. Giscard d'Estaing, the French Minister of the Economy and Finance. On the 8th, during his press conference, the Gabonese president unexpectedly and brutally announced an increase in the price of natural uranium as of May 1st. "Take it or leave it," said the Gabonese president. The threat was taken seriously, and Gabon's mining products (petroleum, manganese, uranium), which had until then been considered "strategic" and thus tied to the defense agreement, became "commercial products of particular interest."⁹⁹ The new cooperation agreements, a total of 9 agreements, were signed by the two countries on February 12. It is true that several countries would demand the revision of the cooperation agreements with France during the presidency of Georges Pompidou. In that year, 1974, Congo signed 12 cooperation agreements with France on January 1, and Cameroon did the same on February 21.

This being so, after the announcement of the increase in the price of uranium a major diplomatic shake-up took place between the French authorities and the Gabonese president. From May 13 to 14, 1974, Mr. Lipkowski, the Secretary of State for Foreign Affairs was in Gabon to talk about uranium and the railway. On a personal visit by the Gabonese president to France from June 17 to 18 of that year, he met with Mr. Giscard d'Estaing who had meanwhile become President of the Republic, and Mr. Abelin, the Minister for Cooperation, on the 17th, and then with Mr. Chirac, the Prime Minister, on the 18th. At the center of these meetings was, once again, the matter of uranium. From February 4 to 5, 1975, Omar Bongo was in France again, and on this occasion he met with Mr. Chirac and Mr. Giscard d'Estaing, and once again it was the issue of uranium that was discussed. This type of direct relationship between the French authorities and Omar Bongo around the management of uranium also exists for the other raw materials, and it would be superfluous to list them all here.

⁹⁹ Claude Wauthier, *Quatre présidents et l'Afrique: De Gaulle, Pompidou, Giscard d'Estaing, Mitterrand*, Paris, Editions du Seuil, 1995. p.245.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Eve Hecht, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

07/17/20

Date



EUSTACHE MANDJOUHOU YOLLA

LA POLITIQUE ETRANGERE
DU GABON

Etudes africaines

Etudes africaines

L'Harmattan
5-7, rue de l'École Polytechnique
75005 Paris
FRANCE

L'Harmattan Hongrie
Huglin u. 3
1020 Budapest
HONGRIE

L'Harmattan Italia
Via Biancamano 37
00121 Roma
ITALIE

et pour tout, que 11 agents. Il y avait le directeur, les deux chefs de division, un seul chargé d'études, cinq fonctionnaires et deux secrétaires. A cette date, parmi les directions géographiques, elle était quand même l'une des mieux dotées en personnel. Elle arrivait en deuxième position derrière la Direction Europe qui avait 15 agents, et devant les Directions Amérique et Asie avec respectivement 10 et 8 agents.⁹⁴

C'est presque un truisme de dire que le personnel reste insuffisant devant l'immensité de la tâche qui est la leur. C'est sans doute ce qui est la cause de l'utilisation de personnalités extérieures dans le cadre de la diplomatie parallèle, si ce n'est au contraire une conséquence de la pratique importante de cette diplomatie parallèle qui aurait pour effet de transformer l'administration comme simple paravent. Le personnel des différentes directions devrait être proportionnel à l'étendue du domaine de compétence. Ainsi la Direction Afrique devrait être étoffée pour qu'elle puisse suivre au moins l'évolution du réseau diplomatique au niveau continental.

II- Les négociations sur les frontières

Le Gabon a des frontières terrestres avec trois pays voisins, la Guinée équatoriale au nord-ouest, le Cameroun au nord et le Congo à l'est et au sud du pays. La frontière entre le Gabon et le Congo est longue de 1700 km. Entre le Gabon et la Guinée équatoriale la frontière s'étale sur 330 km et celle avec le Cameroun est de 240 km. Cela représente en tout pour le pays 2270 km de frontières terrestres contre 850 km de côtes ouvrant le pays sur l'Océan Atlantique par la façade ouest. Au large de ces côtes, à environ 350 km, se trouvent les îles de Sao Tome et Principe.

Dans cette section notre intérêt sera porté sur la manière dont les négociations sur ces frontières sont conduites côté gabonais. Mais avant d'étudier le rôle ou plutôt l'influence des

⁹⁴ Lors de notre deuxième stage au MAECF durant l'année 2001 nous avons pu constater qu'un effort avait été fait en ce qui concerne le recrutement. Par exemple, la Direction Afrique compte désormais 21 agents, la Direction Asie-Pacifique 11 et la Division des Traités 6.

différents acteurs sur les frontières gabonaises au m

A- L'état des

Sans entrer dans ce qu'il importe de la frontière actuelle avait été fixée par Français et les l'époque pour ac la frontière suivie principale difficile configuration nationale tout le long du frontière doit en le Cameroun, c indépendance.

La frontière est traitée du 27 juin aux prétentions de territoire compris et qui n'avait pas reste très abstrait de matérialiser prolongement mais les frontières du trouvent en plein

⁹⁵ Nous n'entrerons pas dans la cause de notre mécontentement ont servi d'instrument voir Roland Pourtier L'Harmattan, pp.99-100.
⁹⁶ Cette frontière a été créée lors de la crise marocaine qu'elle a traversée. L'accord du 4 novembre 1963 a révisé la colonie allemande. Elle est revenue au tracé de l'ancienne frontière mondiale. Voir Roland

chefs
es et
tions
otées
re la
tions

reste
D'est
ilités
n'est
cette
rmer
e du
être
i du

sins,
et le
m et
inée
c le
pays
rant
e de
ie et

ière
côté
des

vons
Par
ssie-

différents acteurs intéressés directement par ces négociations sur les frontières, nous allons rappeler l'état des frontières gabonaises au moment de l'indépendance.

A- L'état des frontières gabonaises depuis l'indépendance⁹⁵

Sans entrer dans le détail technique du tracé des frontières, ce qu'il importe de retenir pour notre propos c'est que la frontière actuelle entre le Gabon et le Cameroun est celle qui avait été fixée par la convention du 18 avril 1908 entre les Français et les Allemands⁹⁶. Les parties s'entendirent à l'époque pour adapter la frontière aux éléments naturels. Ainsi la frontière suivit le tracé d'affluents du Ntem et de l'Ivindo. La principale difficulté est constituée par le fait que cette configuration naturelle de la frontière n'est pas aussi claire sur tout le long du tracé. Dans certaines zones le tracé de la frontière doit encore aujourd'hui être précisé entre le Gabon et le Cameroun, deux Etats qui depuis lors ont acquis leur indépendance.

La frontière entre le Gabon et la Guinée équatoriale date du traité du 27 juin 1900 entre les Français et les Espagnols, suite aux prétentions qui dataient depuis 1885 de chaque camp sur le territoire compris entre l'embouchure du Ntem et celle du Muni et qui n'avait pas été évoqué à Berlin en 1885. Cette frontière reste très abstraite car les éléments naturels ne permettent pas de matérialiser son tracé, sans compter qu'en plus elle a un prolongement maritime. Une caractéristique commune à toutes les frontières du Gabon avec les pays voisins c'est qu'elles se trouvent en pleine zone équatoriale humide dominée par une

⁹⁵ Nous n'entrerons pas ici dans le détail technique du tracé des frontières à cause de notre méconnaissance des outils géographiques et géométriques qui ont servi d'instruments de mesure de ces frontières. Pour plus de précisions voir Roland Pourtier, *Le Gabon. Tome 1 : Espace - Histoire - Société*, Paris, L'Harmattan, pp.99-137.

⁹⁶ Cette frontière a connu des changements, notamment suite à la seconde crise marocaine qui éclata le 1^{er} juillet 1911 avec le "coup d'Agadir". L'accord du 4 novembre 1911 amputa 275000 km² à l'AEF au profit de la colonie allemande. Le nord du Gabon faisait partie de ce territoire cédé. On revint au tracé de 1908 après la défaite allemande lors de la Première Guerre mondiale. Voir Roland Pourtier, *op. cit.*, pp 101-104.

forêt dense. Avec ce type de relief il n'est pas toujours facile de procéder à un repérage rigoureux tout au long de ces frontières qui traversent cette forêt vierge. En 1972 la frontière entre le Gabon et la Guinée équatoriale était la cause d'un différend entre les deux pays. Il portait sur les îles Mbanié et Cocotier qui seront envahies par les gendarmes gabonais. Ce conflit se déroulait sur fond de ressources pétrolières que devraient renfermer ces îles. Une solution à cette crise n'a pas été trouvée, l'OUA n'ayant décidé que du maintien du *statu quo* dans cette région. Les deux Etats ont depuis quelques temps entrepris des négociations diplomatiques sur ces frontières litigieuses.

Contrairement aux deux précédentes, la frontière entre le Gabon et le Congo n'est devenue internationale qu'au moment de l'indépendance en 1960. Elle a été dessinée dans le cadre interne de l'organisation administrative du Congo français devenu par la suite l'Afrique Equatoriale Française (AEF) le 15 janvier 1910. Cette frontière a connu plusieurs transformations effectuées souvent pour satisfaire les besoins économiques des colonies. En témoigne par exemple l'amputation du Gabon de la province du Haut-Ogooué qui a été rattachée en 1925 au Moyen-Congo, puis sa restitution au Gabon en 1946 par arrêté du 16 octobre.

Roland Pourtier rend bien le contexte dans lequel cette frontière entre le Gabon et le Congo a été tracée. « En traçant une ligne de démarcation entre les deux Etats, l'administration coloniale ne prit pas soin de définir avec une parfaite rigueur ce qui n'était qu'une "frontière interne" de commodité. Elle laissa subsister des contradictions de détail dans les arrêtés définissant les limites de circonscriptions qui ont aujourd'hui un statut de frontière internationale. De ce laxisme résultent des incertitudes et un contentieux frontaliers. »⁹⁷ Ces questions sont d'autant plus complexes que le sud et l'est du Gabon ne sont pas des zones agricoles. La géographie nous apprend en effet que l'agriculture a aussi pour rôle de couvrir l'espace, ce qui contribue à l'affirmation de la souveraineté d'un Etat sur cet espace.

⁹⁷ *Idem*, p.121.

Les litiges entre les deux pays sont nombreux et concernent les provinces de l'Ogooué-Ivindo, de la Ngounié, de la Nyanga et du Haut-Ogooué. Dans l'Ogooué-Ivindo le litige se situe dans la zone de la Djoua. La Commission *ad hoc* a pour mission de tenter de déterminer le cours principal de cette rivière et son affluent. La Djoua (ou Yenze côté congolais) est une rivière située au nord-est de Mékambo et qui sert de frontière entre les deux pays. Dans la province de la Nyanga il y a un litige dans la région du Mont Fouari situé à environ cinquante kilomètres au sud de la ville de Ndendé. Un autre litige subsiste entre les lagunes Banio et Conkouati, point de départ de la frontière maritime entre les deux pays. Dans la Ngounié, le litige se situe aux limites des anciennes subdivisions de Mbigou (Gabon) et de Divénié (Congo). Dans la province du Haut-Ogooué, le litige ne concernait jusque là qu'un groupe de villages gabonais situés au nord-est de Onga et administrés par le Congo. Lors de la dernière réunion de la Commission mixte *ad hoc* des frontières, la partie congolaise a inscrit dans les négociations la zone du col douteux de Malassa et de Mbomo, située au nord-est de Lekoni. Le Gabon pour sa part ignore pour l'instant la situation dans cette zone. Pour tenter de résoudre tous ces litiges frontaliers, les deux pays ont depuis longtemps entrepris des négociations à l'instar de celles qui sont menées avec les autres pays frontaliers du Gabon.

B- Le rôle décisif de l'administration dans les négociations

Comme pour tout ce qui touche à la politique étrangère, le pouvoir politique au Gabon a un œil sur les questions frontalières. Est-il besoin de rappeler par ailleurs que l'un des soucis premiers des gouvernants c'est de contrôler l'ensemble du territoire sur lequel s'exerce leur autorité et de défendre la souveraineté de leur pays contre des agressions venant de l'extérieur car cette souveraineté est avant tout territoriale. Depuis la guerre civile congolaise de 1997 la situation aux frontières gabonaises est devenue critique à cause du nombre important des réfugiés congolais en terre gabonaise. La

situation est telle que les questions de frontières au Gabon sont devenues très sensibles pour le pouvoir politique.

Sur un plan plus pratique ce sont les administrations du ministère de l'Intérieur, de la Sécurité Publique et de la Décentralisation, et du MAECF qui jouent le rôle le plus important en matière de négociations sur les frontières. Le ministère de la Défense est aussi impliqué à cause des incursions militaires épisodiques des Congolais en territoire gabonais. Si l'on prend par exemple la XII^e session de la grande commission mixte de coopération Gabon - Cameroun, deux représentants de la Commission nationale des frontières faisaient partie de la délégation gabonaise. La délégation gabonaise a au cours de cette session fait le compte rendu de la mission qui lui avait été confiée par les X^e et XI^e session de cette commission mixte auprès de l'Institut National Géographique français (IGN-France) pour expertise. Cette XII^e session a décidé de la mise en place d'une commission *ad hoc* composée des experts des deux pays, conformément au protocole d'accord relatif à la frontière entre le Cameroun et le Gabon signé à Ngaoundéré le 14 juin 1976. Cette commission a pour mission de préciser le tracé de la frontière là où des zones d'ombre subsistent.

Entre le Gabon et le Congo les réunions sont nombreuses ayant pour objet le tracé de la frontière entre les deux pays. Lors de la V^e session de la grande commission mixte de coopération tenue à Brazzaville du 4 au 7 février 1985 les délégués relevaient ces désaccords aux frontières notamment dans la zone du Mont Fouari. En témoigne aussi la tenue de la Commission *ad hoc* qui s'est déroulée à Libreville et Franceville du 8 au 13 juin 1988 sur la frontière entre le Gabon et le Congo dans la zone de la lagune Banio (département de la Haute Banio dans la province de la Nyanga). Les derniers travaux de la commission mixte *ad hoc* des frontières ont eu lieu à Tchibanga, chef lieu de la province de la Nyanga, du 13 au 15 février 2001. La délégation gabonaise était conduite par le ministre de l'Intérieur, Antoine Mboumbou-Miyakou, assisté du ministre de la Défense nationale, Ali Bongo. Lors de ces rencontres il a surtout été question du sort des réfugiés

116

congolais. La question du tracé des frontières n'a été que rappelée et son examen renvoyé à plus tard. En effet, à cause de la guerre civile, le Congo ne disposait pas d'assez de temps et de moyens à consacrer au problème des frontières. Plusieurs documents y relatifs ont du reste été détruits durant les affrontements. Et lors de la rencontre de Tchibanga, dans la délégation congolaise il n'y avait qu'un seul expert des questions frontalières. Les deux parties ont convenu d'une rencontre ultérieure afin de laisser à la partie congolaise du temps pour reconstituer sa documentation. Les deux parties devront aussi effectuer conjointement de nouvelles missions sur le terrain et contacter l'IGN-France pour les prises de vues aériennes et satellitaires.

A propos de la frontière Gabon - Guinée équatoriale, la dernière réunion de la commission *ad hoc* des frontières remonte au mois de janvier 2001. Elle s'est tenue du 29 au 31 janvier à Libreville. La dernière grande commission mixte entre les deux pays date du 3 au 5 octobre 1994 et c'était à Bata. S'agissant de la frontière maritime, lors de la réunion de la commission *ad hoc*, les deux parties ont réaffirmé l'utilisation de tous les instruments juridiques et historiques nécessaires à la délimitation de leur frontière, à savoir la Convention franco-espagnole du 27 juin 1900, la Charte des Nations Unies, la Charte de l'Organisation de l'Unité Africaine, la Convention internationale sur le Droit de la Mer. La partie équato-guinéenne a proposé l'intégration de l'accord de Brazzaville de 1972 parmi les éléments de la négociation. Ensuite les deux parties ont exprimé la volonté de matérialiser sur des documents cartographiques les différentes hypothèses de travail. La partie équato-guinéenne a ainsi présenté à la partie gabonaise deux hypothèses de travail :

- découpage de la zone en trois secteurs ;
- délimitation de la frontière maritime en faisant abstraction des îles Mbanie, Conga, Corisco afin de visualiser le panorama général et tracer une ligne médiane entre les deux territoires, ensuite examiner la situation des îles après ce tracé.

Les deux parties ont présenté chacune des cartes maritimes pour qu'elles servent de base de travail. Ces documents cartographiques seront échangés par voie diplomatique. L'examen des hypothèses de travail évoquées plus haut se fera lors de la prochaine réunion de la commission qui devrait se tenir au cours du deuxième trimestre de cette année 2001 en Guinée équatoriale. L'examen des problèmes relatifs à la frontière terrestre a été renvoyé à la prochaine réunion de la commission. La partie gabonaise a toutefois demandé à la partie équato-guinéenne que les questions consulaires ainsi que celles relatives à la circulation transfrontalière soient examinées au cours des travaux de cette commission *ad hoc*.

Ce qui est intéressant ici c'est la composition de la délégation gabonaise qui était conduite par Antoine Mboumbou-Miyakou, ministre de l'Intérieur. Parmi les experts gabonais les plus nombreux étaient ceux du ministère de l'Intérieur et ceux du MAECF. Les trois membres permanents de la Commission nationale des frontières étaient aussi présents. Sur 57 personnes que comptait la délégation gabonaise, il y avait 5 membres du gouvernement et un seul représentant de la présidence de la République. Le reste représentait les différentes administrations impliquées dans ce dossier.

Entre le Gabon et Sao Tome, une Commission *ad hoc* s'est aussi réunie du 28 au 31 août 1984 pour discuter de la frontière maritime entre les deux pays. Un accord a été obtenu lors de cette rencontre et bien qu'il n'a pas encore été entériné par la grande commission mixte de coopération entre les deux pays, il n'y a pas de litige entre les deux Etats à ce sujet. Les deux pays sont séparés par une façade maritime d'environ 350 km.

Sans passer en revue toutes les réunions dont le but est de discuter des frontières, ce qu'il est important de dire c'est que les agents du ministère de l'Intérieur et du MAECF occupent une place centrale dans ce processus. Ils apportent une « expertise » indispensable qu'ils confrontent avec celles des pays voisins afin de parvenir à une solution définitive pour ces litiges qui, même s'ils ne portent que sur de petits espaces ne préoccupent pas moins les gouvernants de ces Etats. Il ne

116

faudrait pas considérer l'expertise ici au sens technique du terme. En effet dans nos entretiens certains agents du MAECF ont dénoncé le fait qu'il n'y ait pas de véritables experts sur les questions des frontières au sein de leur ministère. Parler d'experts au MAECF est une exagération car ces derniers ne disposent pas de connaissances géographiques, cartographiques, géométriques et encore moins géodésiques. La plupart du temps ils se contenteraient d'assurer la représentation de leur ministère lors des réunions de la commission *ad hoc* sans être pour autant de véritables acteurs dans les négociations. Contrairement aux experts du ministère de l'Intérieur, ils tiendraient leur expertise du seul fait qu'ils suivent l'évolution des négociations pour en informer leur ministre.

Sur ces questions de frontières deux remarques conclusives peuvent être faites. La première c'est que dans le processus de règlement des litiges avec les pays voisins on aperçoit une bureaucratisation du phénomène qui va à l'encontre de la conception transnationale (celle qui soutient la thèse du dépassement du rôle central de l'Etat au niveau international) que l'on a souvent de ces phénomènes. En outre la dimension politique qui engendre les pratiques de personnalisation du fait de son indépendance relative est secondaire par rapport à la dimension technique requise pour la conduite des relations diplomatiques en la matière.

En deuxième lieu, le tracé engage les deux Etats, pour le présent et pour l'avenir. Il doit donc reposer sur des critères objectifs acceptés par les deux parties. Il ne doit pas dépendre seulement des bonnes relations personnelles des gouvernants en place afin que les litiges résolus un temps n'éclatent de nouveau au premier changement de président dans l'un des pays.

La coopération entre pays africains est une matière souvent négligée parce que les échanges sont peu développés entre eux. Ces pays étant structurellement semblables, notamment dans le domaine économique, ils orientent leurs échanges plutôt vers les pays développés qui sont à tout point de vue différents

d'eux. Et sur le plan diplomatique les répercussions ne sont que trop visibles. Pourtant la situation est entrain d'évoluer, certes lentement mais de façon irréversible. D'abord parce que la dévaluation du franc cfa de 1994 avait pour finalité, entre autres, de favoriser le développement des échanges entre les pays africains. Il y a en outre des échanges non négligeables entre le Gabon et le Cameroun ou bien le Sao Tome en matière d'enseignement et en matière économique. Et l'intégration régionale est aujourd'hui une préoccupation centrale aux yeux des dirigeants de ces Etats car la tendance au niveau mondial est aux regroupements économiques régionaux. De leur côté les institutions financières internationales incitent les Etats africains à suivre cette voie qui semble être actuellement la seule qui pourrait leur garantir dans l'avenir un meilleur développement.

En matière de coopération et de frontières, le pouvoir politique, c'est-à-dire le président de la République, garde un pouvoir de décision en amont. En aval, au moment de la préparation de la décision, c'est sûr, la présidence ne peut intervenir efficacement parce qu'elle ne dispose pas d'assez de personnel pour gérer les nombreux dossiers de coopération ni suffisamment de compétences pour connaître des aspects techniques des frontières par exemple. On est obligé à ce stade de retenir une conception minimaliste de l'influence du pouvoir politique. Ce dernier n'est pas l'antithèse de l'institutionnalisation comme l'est la personnalisation mais s'exerce dans le cadre légal tel que prévu par la loi fondamentale. Ce que l'on constate de plus en plus c'est que personnalisation et institutionnalisation ont tendance à se compléter dans la gestion de l'Etat africain.

Section 3 : La pratique gabonaise du droit international

En plus des Etats africains le Gabon entretient aussi des relations de coopération avec les autres pays du monde, pour l'essentiel les pays développés ou pour être plus précis avec les pays qui sont considérés sur le plan international comme étant de grandes puissances politiques et/ou économiques. Il s'agit de

3- La conduite des négociations diplomatiques sur le financement du Transgabonais

Dans la conduite des négociations diplomatiques sur la recherche des financements du chemin de fer ce qui est remarquable c'est l'investissement personnel du chef de l'Etat gabonais. Son implication va devenir presque physique dans ce dossier qu'il veut réaliser dans les meilleurs délais. Suite au refus de la Banque mondiale de participer au financement du Transgabonais, Omar Bongo lance le défi à cette institution de parvenir au bout de son projet. En lançant ce défi Omar Bongo prend l'engagement devant son peuple de réaliser le Transgabonais. Cela tourne à l'obsession. Les conséquences sur la politique étrangère du pays seront nombreuses.

D'abord l'inscription de l'action diplomatique du Gabon dans le mouvement des non-alignés est une forme de contestation de l'omnipotence des Etats-Unis sur le plan financier au niveau mondial. Ensuite il y a le rapprochement avec les pays arabes allant jusqu'à la conversion d'Omar Bongo et d'une partie de son entourage à l'Islam en 1973. Cette attitude marque la volonté du président gabonais d'intégrer l'OPEP et d'obtenir des financements pour le chemin de fer. Enfin il y a une accélération des négociations avec la France qu'Omar Bongo va lui même conduire en personne. On se souvient que lors de son allocution à son arrivée à Libreville le 11 février 1971 le président Pompidou n'avait exprimé que « l'intérêt amical »¹⁰⁸ de la France pour la construction du chemin de fer au Gabon. Les choses vont changer par la suite. Du 1^{er} au 13 décembre 1972 Omar Bongo est en visite en France. Lors du déjeuner avec le président français du 7 décembre il est question entre autres du financement du Transgabonais. Du 10 au 21 mai 1973 le président gabonais effectue encore un voyage en France. Le 11 il rencontre M. Messmer, Premier ministre, pour discuter des questions de coopération en général et du Transgabonais en particulier. C'est au terme de cette visite qu'il annonce la participation française

¹⁰⁸ *La Politique étrangère de la France. Textes et documents*, 1^{er} semestre 1971, pp.98-99.

extérieures du Gabon. Pour contourner cet obstacle ils se contentent de constater l'existence d'un service qui s'occupe des hydrocarbures à la présidence de la République, la présence du "Monsieur pétrole" d'Omar Bongo qui n'est autre que Dossou Aworet qui a son bureau aussi au palais présidentiel. De plus les dirigeants de Elf-Gabon et ceux de la maison mère Elf-Aquitaine ne sont reçus au Gabon que par la présidence de la République et souvent par Omar Bongo lui-même, c'est dire l'importance du pétrole pour ce dernier. C'est la convergence de ces trois situations vers un même lieu, la présidence de la République du Gabon, qui constitue une preuve bien qu'elle soit assez secondaire ou plutôt fabriquée de toutes pièces.

Plus concrètement, au Gabon les PDG d'Elf-Gabon ne sont reçus en général que par Omar Bongo pour discuter de la production et de l'avenir de la société. Ce fut le cas pour André Tarallo, Jean-François Gavalda, et aujourd'hui Michel Bénézit. Il en est de même des présidents de la maison mère Elf-Aquitaine qui ne sont reçus au Gabon que par la haute autorité de l'Etat sauf lorsqu'ils se rendent sur le terrain à Port-Gentil. Il en a été ainsi pour Loïk le Floch-Prigent, puis Philippe Jaffré, et actuellement de Thierry Desmarest, président du nouveau groupe TotalFinaElf. Ce dernier a d'ailleurs effectué sa première visite des filiales du nouveau groupe au Gabon parce que Elf-Gabon est la première filiale du groupe à s'être implantée en Afrique, ce depuis 1928. Elf-Gabon est aussi le plus grand producteur du groupe sur le continent africain, ce qui aux yeux des dirigeants du groupe et des gouvernants gabonais est une donnée fondamentale dans les relations qu'ils entretiennent.

Omar Bongo a toujours tenu à participer personnellement à la renégociation des accords de coopération entre le Gabon et la France. L'exemple des échanges sur l'uranium est révélateur de la volonté du président gabonais de connaître personnellement des matières premières qui après tout rapportent les ressources nécessaires au fonctionnement de l'Etat et au maintien de son régime.

Du 7 au 12 février 1974 Omar Bongo se rend à Paris pour renégocier les accords de coopération de 1960. Le 7 il

s'entretient avec M. Giscard d'Estaing, ministre français de l'Economie et des Finances. Le 8, durant sa conférence de presse, le président gabonais annonce de façon inattendue et brutale l'augmentation du prix de l'uranium naturel à partir du 1^{er} mai. « C'est à prendre ou à laisser », avait dit le président gabonais. La menace fut prise au sérieux, et les produits miniers du Gabon (pétrole, manganèse, uranium), considérés jusque-là comme "stratégiques" et à ce titre liés à l'accord de défense, devinrent "des produits commerciaux présentant un intérêt particulier". »¹¹⁵ Les nouveaux accords de coopération sont signés le 12 février entre les deux pays, en tout 9 accords. Il est vrai que plusieurs pays vont demander la révision des accords de coopération avec la France durant la présidence de Georges Pompidou. En cette année 1974, le Congo signe 12 accords de coopération avec la France le 1^{er} janvier, il en est de même pour le Cameroun le 21 février.

Ceci étant, après l'annonce de l'augmentation du prix de l'uranium, un important balai diplomatique a lieu entre les autorités françaises et le président gabonais. Du 13 au 14 mai 1974 M. Lipkowski, secrétaire d'Etat aux Affaires étrangères séjourne au Gabon pour parler de l'uranium et du chemin de fer. Lors du séjour privé en France du président gabonais du 17 au 18 juin de la même année, il s'entretient avec M. Giscard d'Estaing, devenu entre temps président de la République, et M. Abelin, ministre de la coopération, le 17, puis avec M. Chirac, Premier ministre, le 18. Au centre de ces entretiens il y a encore le dossier de l'uranium. Du 4 au 5 février 1975 nouveau séjour en France d'Omar Bongo à l'occasion duquel il rencontre MM. Chirac et Giscard d'Estaing, et c'est encore le dossier de l'uranium qui est sur la table. Ce type de relations directes entre les autorités françaises et Omar Bongo autour de la gestion de l'uranium existe également pour les autres matières premières, et il serait assez fastidieux de toutes les recensées ici.

¹¹⁵ Claude Wauthier, *Quatre présidents et l'Afrique : De Gaulle, Pompidou, Giscard d'Estaing, Mitterrand*, Paris, Editions du Seuil, 1995, p.245.

Annex 234

“Neighbours to Explore Jointly for Oil in Disputed Waters”, *The New Humanitarian*
(7 July 2004)

Neighbours to explore jointly for oil in disputed waters

thenewhumanitarian.org/news/2004/07/07/neighbours-explore-jointly-oil-disputed-waters

July 7, 2004

- [Conflict](#)
- [News](#)
- 7 July 2004

Some 8.1 percent of Gabon's 1.2 million population is HIV positive. (IRIN)

AIN AL-HILWEH

The leaders of Equatorial Guinea and Gabon have pledged to explore jointly for oil in disputed offshore waters while their quarrel over three small islands in Corisco Bay is settled by UN mediation.

Presidents Obiang Nguema Mbasogo of Equatorial Guinea and Omar Bongo of Gabon made the announcement on Tuesday after signing a memorandum of understanding in the presence of UN Secretary General Kofi Annan on the sidelines of the African Union summit in Addis Ababa.

The two West African leaders told journalists afterwards that in a bid to fight poverty in their countries, they had put aside their simmering disagreement over the Corisco Bay islands. These lie just north of the Gabonese capital Libreville near the border with the continental territory of Equatorial Guinea.

The dispute dates back to 1972 and has prevented oil companies from carrying out a full exploration of the surrounding offshore waters.

Although both countries have agreed to joint exploration, the issues over sovereignty of their maritime boundaries will still have to be resolved. The leaders said mediation would continue to delimit and then demarcate the territory.

"We need to solve this conflict so we have no further problems between us," Obiang said

"The main problems are the resources of the sub-soil, the oil. We have to solve this problem of the resources in a very positive fashion," he added. "The most important question here is how to fight against poverty with the resources both states have, how can we better use these resources to fight against poverty."

Welcoming the commitment of both leaders to resolve the dispute peacefully, Annan said: "This is a continent with lots of conflicts and I think this is an example to all the leaders that differences can be resolved peacefully," he said.

Gabon and Equatorial Guinea had appealed to the UN in 2003 to help resolve their dispute, which arose from different interpretations of maps dating back to 1900.

Annan has appointed Yves Fortier, a former Canadian ambassador to the United Nations, as his Special Adviser and mediator on the issue.

Both countries have enjoyed the oil bonanza of the past decade.

Gabon, whose oilfields are mainly operated by the French multinational Total, is a mature oil producer with an output of 250,000 barrels per day that is currently declining.

But Equatorial Guinea, which only discovered oil in 1995, is expanding its offshore oil and gas production rapidly and has overtaken Gabon, with a daily output of around 350,000 barrels.

According to the Bank of Central African States (BEAC), which manages the CFA franc currency, used by both countries, Equatorial Guinea has also jumped ahead of Gabon in terms of national prosperity. Its 500,000 people now enjoy a gross domestic product (GDP) per capita income of nearly US\$7,000.

Gabon's 1.2 million inhabitants have a GDP per capita of less than \$5,000 -- although that is still 10 times the average for Sub-Saharan Africa.

The Corisco Bay dispute is the latest of several border quarrels to arise in Africa, where hopes of finding oil have encouraged both sides to dig in their heels.

Nigeria has been arguing with Cameroon for years over the disputed Bakassi peninsula, which is also thought to control oil-rich offshore waters. Nigeria has agreed in principle to hand over the peninsula, but the two countries have yet to demarcate their territorial waters.

This article was produced by IRIN News while it was part of the United Nations Office for the Coordination of Humanitarian Affairs. Please send queries on copyright or liability to the UN. For more information: <https://shop.un.org/rights-permissions>

Join the discussion

Help make quality journalism about crises possible

The New Humanitarian is an independent, non-profit newsroom founded in 1995. We deliver quality, reliable journalism about crises and big issues impacting the world today. Our reporting on humanitarian aid has uncovered sex scandals, scams, data breaches, corruption, and much more.

Annex 235

J. Geslin, “The Island of Contention”, *Jeune Afrique* (7 March 2006)

TRANSLATION

The isle of contention

 jeuneafrique.com/128802/archives-thematique/l-lot-de-la-discorde

March 7, 2006

Archives

March 7, 2006, at 13:07 pm | Written by Jean-Dominique Geslin

The presidents of the two countries have decided to engage in negotiations to settle their border dispute before the end of the year.

The dispute does not date from today. It has been poisoning relations between Libreville and Malabo for more than thirty years. But in 1999, it took on a new dimension when the president of Equatorial Guinea issued a decree reaffirming his country's sovereignty over Mbanié: an islet of 30 hectares located in the Bay of Corisco, opposite the Gabonese province of Estuaire, i.e. in the territorial waters of Gabon. Since then, the case has heated up to the point that the Secretary General of the UN, Kofi Annan, felt it wise to bring together Presidents Teodoro Obiang Nguema and Omar Bongo Ondimba on February 27 in Geneva to broach the subject. The result of the meeting: the opening of discussions as of March 15 in Geneva to resolve this difference "before the end of the year".

It was in 2003 that Kofi Annan became aware of the extent of the risk constituted by this dispute. On the Gabonese side, the government at the time claims to be sure of its right and says so loud and clear. On February 26, 2003, the Minister of Defense (and son of the president), Ali Ben Bongo, makes a very official visit to this strip of sand that had long been unknown to the world. The response from Malabo is immediate: speaking on national television, the prime minister at the time, Candido Muatetema Rivas, accuses Gabon of illegally occupying the Mbanié islets of Conga and Cocotiers.

As tempers flare, Kofi Annan broaches the subject with the two heads of state in July 2003 in Maputo, on the sidelines of the African Union Summit in Mozambique. Then he decides to entrust the case to a qualified mediator, the Canadian attorney Yves Fortier, a former member of the Permanent Court of Arbitration at The Hague and former ambassador of his country to the UN. But it is difficult to adjudicate. For Libreville, Gabonese sovereignty is based on an agreement concluded at the beginning of the 20th century between the two colonial powers concerned, France and Spain. What is more, the text was confirmed in 1974 by Omar Bongo Ondimba and Macias Nguema, his Equato-Guinean counterpart at the time. In Malabo, on the other hand, they recall that upon the accession to independence, Madrid had taken care to transfer to the new state sovereignty over the islands of Corisco, Elobey and "the adjacent islets".

Rather than take drastic measures, Yves Fortier will concentrate his efforts on working out a solution by consensus. He advocates for the delineation of a joint exploitation zone (JEZ) for realizing the resources of the islet together. But the compromise satisfies no one. And naturally it was rejected in Geneva.

TRANSLATION

Bongo Ondimba and Obiang Nguema thus decided to “proceed immediately to negotiating the definitive delineation of their marine and land borders” and while they are at it, to resolve the question of Mbanié. It is in order to set up a timetable for the discussions that the experts from the two countries are to meet in Geneva next March 15. This option, supported by Kofi Annan, completely disqualifies any mediation by Fortier, who, after two and a half years of perseverance, did not come up with any tangible result. In any event, no one seems to miss the Canadian attorney. While the Gabonese delegation suspected him of being biased in favor of Malabo, certain delegates from Equatorial Guinea felt simply that “Fortier failed”. It remains to be seen what the chances are for success in the new round of negotiations. The participants all seem to be happy to start again on a new basis, but the risk of failure cannot be excluded. And if the discussions get bogged down, the two parties would always have the possibility of bringing the matter before the International Court of Justice (ICJ).

As for the true motivations that bring them to negotiate head to head, they are far from having anything to do with the part of the islet that is above water, which is mainly populated by a large colony of crabs. Nor the waters surrounding Mbanié, Conga and Cocotiers, which are said to be “potentially rich in hydrocarbons”, but where no trace of oil has been detected to date. Rather, it is the perspective offered by Mbanié for controlling the deep sea zone located between this islet and São Tomé – a zone where the indications for the presence of crude oil are far more evident – which explains the particular interest paid to it by Equatorial Guinea and Gabon.

With this in mind, one can assume that the discussions over its possession will be bitter. And that they risk extending to The Hague. With all the patience that the judicial option imposes. Provided that the case is brought before it, the ICJ will need five to six years to issue its opinion.

**WATER STREET TRANSLATIONS, LLC**

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Eve Hecht, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

08/20/21

Date



L'îlot de la discorde

 jeuneafrique.com/128802/archives-thematique/l-ilot-de-la-discorde

7 mars 2006

Archives

07 mars 2006 à 15h07 | Écrit par Jean-Dominique Geslin

Les présidents des deux pays ont décidé d'engager des négociations pour régler, avant la fin de l'année, leur litige frontalier.

Le contentieux ne date pas d'aujourd'hui. Il empoisonne les relations entre Libreville et Malabo depuis plus de trente ans. Mais en 1999, il a pris une nouvelle dimension, lorsque le président équato-guinéen a réaffirmé par décret la souveraineté de son pays sur Mbanié : un îlot de 30 hectares situé dans la baie de Corisco, face à la province gabonaise de l'Estuaire, c'est-à-dire dans les eaux territoriales du Gabon. Depuis, le dossier est devenu brûlant, à tel point que le secrétaire général de l'ONU, Kofi Annan, a cru bon de rencontrer, le 27 février, à Genève, les présidents Teodoro Obiang Nguema et Omar Bongo Ondimba pour évoquer le sujet. Résultat de la rencontre : ouverture de pourparlers dès le 15 mars à Genève pour résoudre ce différend « avant la fin de l'année ».

C'est en 2003 que Kofi Annan a pris la mesure du risque que constitue le litige. Côté gabonais, le gouvernement se dit alors sûr de son droit. Il le clame d'ailleurs haut et fort. Le 26 février 2003, le ministre de la Défense (et fils du président), Ali Ben Bongo, effectue une visite très officielle sur cette langue de sable longtemps ignorée du monde. La réplique de Malabo est immédiate : prenant la parole à la télévision nationale, le Premier ministre de l'époque, Candido Muatetema Rivas, accuse le Gabon d'occupation illégale des îlots Mbanié, Conga et Cocotiers.

Alors que le ton monte, Kofi Annan aborde le sujet avec les deux chefs d'État en juillet 2003, à Maputo, en marge du sommet de l'Union africaine au Mozambique. Puis décide de confier le dossier à un médiateur patenté, l'avocat canadien Yves Fortier, ancien membre de la Cour permanente d'arbitrage de La Haye et ex-ambassadeur de son pays auprès de l'ONU.

Mais il est difficile de statuer. Pour Libreville, la souveraineté gabonaise s'appuie sur un accord conclu au début du XXe siècle entre les deux puissances coloniales concernées, la France et l'Espagne. Le texte a d'ailleurs été confirmé en 1974 par Omar Bongo Ondimba et Macias Nguema, son homologue équato-guinéen de l'époque. À Malabo, en revanche, on rappelle que, lors de l'accession à l'indépendance, Madrid a pris soin de transférer au nouvel État la souveraineté sur les îles de Corisco, Elobey et sur « les îlots adjacents ».

Plutôt que de trancher dans le vif, Yves Fortier va concentrer ses efforts sur l'élaboration d'une solution de consensus. Il préconise la délimitation d'une zone d'exploitation conjointe (ZEC) pour une valorisation commune des ressources de l'îlot. Mais le compromis ne satisfait personne. Et a naturellement été rejeté à Genève.

Bongo Ondimba et Obiang Nguema ont donc décidé « de procéder immédiatement à la négociation de la délimitation définitive de leurs frontières maritimes et terrestres » et de résoudre, dans la foulée, la question de Mbanié. C'est pour établir un calendrier des discussions que les experts des deux pays se retrouveront à Genève le 15 mars prochain. Cette option, soutenue par Kofi Annan, disqualifie complètement la médiation de Fortier, qui, après deux ans et demi de persévérance, n'a donné aucun résultat tangible. Quoi qu'il en soit, personne ne semble regretter l'avocat canadien. Alors que la délégation gabonaise le suspectait de parti pris en faveur de Malabo, certains délégués de Guinée équatoriale estiment simplement que « Fortier a échoué ».

Reste à savoir quelles sont les chances de succès du nouveau round de négociations. Les participants semblent tous satisfaits de repartir sur de nouvelles bases, mais le risque d'échec n'est pas exclu. Et si les pourparlers venaient à s'enliser, les deux parties auraient toujours la possibilité de porter l'affaire devant la Cour internationale de justice (CIJ).

Quant aux véritables motivations qui les conduisent à négocier pied à pied, elles sont loin de concerner la partie émergée de l'îlot, peuplé, pour l'essentiel, d'une forte colonie de crabes. Ni même les eaux qui entourent Mbanié, Conga et Cocotiers, que l'on dit « potentiellement riches en hydrocarbures », mais où aucune trace de pétrole n'a été décelée jusqu'à présent. C'est bien plutôt la perspective qu'offre Mbanié de contrôler la zone de haute mer située entre cet îlot et São Tomé – une zone où les indices permettant d'établir la présence de brut sont, ici, beaucoup plus évidents – qui explique l'intérêt particulier que lui portent la Guinée équatoriale et le Gabon

Dans cette perspective, autant dire que les discussions pour sa possession seront âpres. Et qu'elles risquent de se prolonger à La Haye. Avec toute la patience que l'option juridique impose. Pour peu qu'on la saisisse, la CIJ aura besoin de cinq à dix ans pour rendre son avis.

Annex 236

G. Nerin, *Spain's Last Forest Cannibals, Missionaries, and Civil Guards Account of the Conquest of the Fang in Spanish Guinea 1914-1930* (2010) (excerpt)

TRANSLATION

Gustau Nerín

Spain's Last Forest

CANNIBALS, MISSIONARIES, AND CIVIL GUARDS
ACCOUNT OF THE CONQUEST OF THE FANG
IN SPANISH GUINEA, 1914-1930

[logo]
CATARATA

WATER STREET TRANSLATIONS

TRANSLATION

TABLE OF CONTENTS

INTRODUCTION	11
CHAPTER 1. WHEN THE PEOPLE OF RÍO MUNI WERE SOVEREIGN (1778-1914)	13
CHAPTER 2. SPANISH CONTINENTAL GUINEA (1914)	37
CHAPTER 3. WORLD WAR I IN RÍO MUNI (1914-1919)	67
CHAPTER 4. BARRERA AND HIS ATTEMPTS AT COLONIZING RÍO MUNI (1919-1926)	97
CHAPTER 5. RESISTANCE TO COLONIZATION (1919-1925)	117
CHAPTER 6. A SOCIETY IN TRANSFORMATION (1919-1926)	133
CHAPTER 7. THE FIASCO (1919-1927)	153
CHAPTER 8. A NEW POLICY FOR SPANISH GUINEA (1926)	169

WATER STREET TRANSLATIONS

TRANSLATION

CHAPTER 9. THE BUIZA OPERATION (1926-1927)	193
CHAPTER 10. THE FANG. DAY LABORERS IN FERNANDO POO (1926-1927)	209
CHAPTER 11. EXPLOITING RÍO MUNI (1926-1930)	237
CHAPTER 12. TWENTY-SEVEN YEARS OF SILENCE (1914-1931)	253
EPILOGUE. NEW TIMES FOR RÍO MUNI (1929)	281
BIBLIOGRAPHY	293

WATER STREET TRANSLATIONS

TRANSLATION

[...]

ultimately, to the consumers⁴⁷. However, to cut costs in the cocoa sector, the mobilization of forced labor from the continent continued to be considered.

But the Fang laborers would still not arrive (only those taken by Barrera, in his periodic expeditions, were hired). The governor's first tour after World War I, in 1920, already had as its basic objective obtaining labor (he also wanted to control border areas before the French incursions and to visit the new military posts north of the Muni)⁴⁸. In the 1920 expedition, and in some of the ones after that, Barrera managed to take many laborers from Fernando Poo (although sometimes there was friction with workers who had already been on the island who had not returned satisfied with the treatment they had received on the plantations)⁴⁹. But he was less successful in his attempt to stop the French attacks—controlling the territory was a much more complicated task⁵⁰.

In his 1920 tour, Barrera prepared a plan to proceed with the definitive occupation of the continent, identifying the localities in which the detachments of the southern and eastern borders should be founded. Upon returning to Santa Isabel, he sent a report to the Ministry of State in which he requested means for the occupation of the border, warning that the French were applying pressure to seize the Muni and its laborers⁵¹. Since he did not get a satisfactory response from Madrid, Barrera drafted a detailed deployment plan, which he sent to his minister in 1921. During the first and second years, military posts would be created, roads would be laid out, and the telephone line would be laid down. During the next two years the territory would remain under control of a military force, but with fewer troops. In the fifth year, with the country already known and dominated, the number of posts would be reduced and civilian delegations would be created, but served, provisionally, by military personnel. In the eighth year, a civil administration would be definitively established⁵². Resources were not received for this initiative either. In reality, in Colonial Guinea, there would never be a civil administration (except for a timid attempt during the Second Republic).

Barrera asked again for resources for deployment in 1922 and 1923, unsuccessfully⁵³. There did not seem to be too much interest in Madrid for Guinea. Meanwhile in the neighboring Colonies, the exploration of the territory had already been completed and all efforts were focused on colonization, the territory south of the Muni was completely unknown to the Spanish. Only the governor and his companions (and the Colonial Guard) would arrive during their brief periodic tours to the most isolated jungle villages. The only exploration of the territory organized from the Metropolis, between 1920 and 1926, was the one performed by Enrique Olea, who in 1922 traveled to the Muni in order to assess its economic potential⁵⁴.

TRANSLATION

THE COLONIAL GUARD TO THE CONQUEST OF THE MUNI REGION

Throughout the First World War, the creation of the northern frontier posts and the widespread revolt of the Fang clans had given the Colonial Guard a protagonist role. From that moment on, the military forces were going to play a key role in the conquest of the Muni Region. The detachments were commercial and administrative centers from which they tried to influence the entire territory (although their influence did not reach the Fang who inhabited the southeast of Continental Guinea). At the beginning of 1921, Barrera, still without financial support from Madrid, decided to create a new post at the extreme north of the country, at Akonangui⁵⁵. This way, the entire northern border of the Muni came under colonial rule and Spanish influence was spread inland. The Mikomeseng line covered the 175 km of the Guinea-Cameroon border. In contrast, the Asobla line, which defended the Guinea-Gabon border, only covered a small part of the southern border, basically the Muni estuary.

The number of Askaris in the Colonial Guard was always below its estimated needs. The 330 troops that the corps had in 1920 were to be distributed among nine detachments in Fernando Poo, one in Annobon, seventeen in Muni River and the Santa Isabel police station (an average of just ten people per post). The dispersion of the troops limited their operational capacity⁵⁶.

The Colonial Guard was reinforced during the First World War, with the incorporation into the corps of Cameroonian Askaris, who had belonged to the German Imperial Army and had a very solid military training⁵⁷. Thanks to the high number of Fang and Cameroonian Ewondo, the percentage of Fangha-speakers in the corps grew and the instruction began to be imparted, not only in Pidgin English, but also in Fang⁵⁸. These Cameroonians soon took over the key positions in the corps: "native sergeants," "native corporals," buglers, interpreters... As of 1924, the number of Fang from the Muni Region in the Colonial Guard also grew⁵⁹. Usually, the parties were sent away from their hometowns to prevent "partiality in the discharge of their duties"⁶⁰.

The Colonial Guard was also reinforced with the consolidation of a group of young officers who replaced some veteran civil guards who were not very dynamic. These young officers, who stayed in Guinea for a long time, took turns at the outposts and managed to get around quite well in the difficult territory of the Muni. In order to keep them satisfied, in 1924, when the salaries of all the white members of the Colonial Guard were indeed increased, a 50 percent bonus was established for those assigned to the northern border posts, where conditions were more difficult and

TRANSLATION

Soon after, Atalaya fell ill and died: The Esandón argue that he died because in order to set up camp he had cut down a sacred ceiba tree⁸⁶. Later, the French claimed⁸⁷ that the Spanish post was north of the 2° 10' N parallel. The Spanish did not accept the French astronomical calculation, but in order to maintain good bilateral relations they decided to relocate the post further south⁸⁸ (actually, Akonangui is located north of the border line, and in 1908 it was already considered German territory)⁸⁹. The Colonial Guard considered moving the Príncipe Alfonso detachment to Misá, a town that had been an obligatory stop on Barrera's expeditions and on the tours of the Spanish military forces⁹⁰.

But when the transfer was being discussed, Spanish officials contacted a man who would prove providential: Ondó Nkulu. This Esandon chief came from Bitam and had already had a German appointment at the time of the Neu Kamerun⁹¹. But during the First World War he had joined the anti-colonial revolt and had to flee Gabon. He settled with his people in Ebibeyin⁹², and once in Continental Guinea he collaborated closely with the Spaniards. He even denounced to the Colonial Guard another Esandón chief, Oyono Nkulu, because in 1919 he had led French troops on an incursion into Spanish territory.⁹³ Once appointed as a Spanish officer, he worked closely with Lieutenants Ayala and Mené and thanks to this, the detachment was moved to Ebibeyin (inaugurated in October 1922).⁹⁴ Ondó Nkulu's authority was strengthened because many Akonangui people accompanied the Askari and settled in Ebibeyin. This Esandon chief took advantage of the occasion to strengthen his relationship with the Spaniards. He used to serve as an advisor to the Mikomeseng traditional courts, although he had to walk more than 100 km to attend the *words*⁹⁵. His views were generally well respected by military commanders⁹⁶.

Evinayong chief Nguema Eyama stood out from the other leaders in southern Muni. When Barrera visited this locality, Nguema Eyama led a large group of Fang leaders who made an act of submission to Spain. He took advantage of the occasion to demand the creation of a military post in his village. Although the detachment move took some time, it eventually was posted at Evinayong, a town that thereby became the capital of the district.⁹⁷ Bidjabidjan also achieved a privileged place among the peoples of its area because its chief, Ngomo Kolé, went to ask Barrera for a detachment in 1912, when the latter went to Misa to meet Zimmermann, the military chief of Cameroon⁹⁸. The chief of Minchobo Angom, in the Kogo area, did not limit himself to asking the Spaniards for his detachment: he requested that the Deputy Governor's Office at Elobey be moved to his village⁹⁹.

TRANSLATION

SPAIN'S LAST FOREST

They would also need 13 officers, since at that time they had just enough to cover the basic personnel positions for the colony (the company and line chiefs), but there was no plan on how to fill vacancies due to illnesses or leaves of absence, or how to cover larger vacancies.¹⁷ Some detachments in the interior were led by a European corporal who had recently arrived from the metropolis, who had serious problems for carrying out his functions.¹⁸

Núñez de Prado was in a hurry. In April 1926, a few months after arriving at the colony, he already asked Madrid for the budget to create new positions.¹⁹ And that same month, he was sent a group of corporals of the Civil Guard and a supplementary delivery of weaponry: 130 Mauser rifles, 130 machetes, and 100,000 rounds of ammunition²⁰ (thus doubling the available munitions).²¹ In order to prepare for the military deployment, an important part of the weapons and munitions were sent to Mikomeseng; the rest remained available to the Expeditions Service, which was in charge of reinforcing the units on special missions.²² The General Directorate of Morocco and the Colonies, through Royal Order No. 222, offered a budget for the creation of five new military posts.²³ That did not suffice. Barrera had calculated that 15 detachments were needed in order to fully cover the eastern and southern borders (however, in neighboring colonies, such as Gabon, Cameroon, or the Belgian Congo, the density of posts was much less).

THE DEPLOYMENT

Núñez de Prado, convinced that he had Madrid's support, commenced the colonization of the territory on his own. The order to commence operations was given in June 1926, even though the Government did not official grant the special budget for Guinea until one month later and did not finance the increased budget for the Colonial Guard until December.²⁴ In reality, occupation of the territory itself had a minimal cost: 30,000 pesetas in the first phase and even less in the second phase²⁵ (what would turn out to be much more costly would be the deployment of the infrastructures).

The person in charge on the ground of the entire operation was Captain Buiza, with the support of several officers highly familiar with Muni's interior: Carrasco de Egaña, Eugenio Touchard, Enrique Mené, Ruana Wamba...²⁶ Jordana continually exchanged correspondence with Buiza in order to make sure that the operations were going well.²⁷ In order to keep track of the advances of the colonial forces, Buiza went to the jungle. As the captain would spend long stretches of time in zones cut off from communications, Núñez de Prado decided to temporarily take away his position

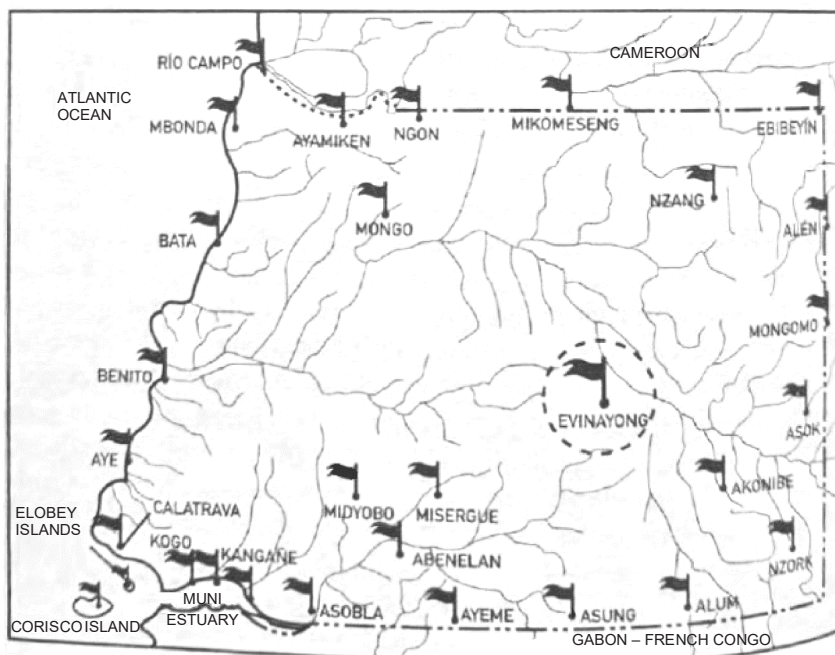
TRANSLATION

GUSTAU NERÍN

as chief of the Colonial Guard, which he held on an interim basis, and give it to Julián Ayala, who was only a lieutenant. This measure violated all of the military ordinances, which provided that no one could ever give orders to someone of a higher rank. Buiza furiously protested over that.

In 1926, the Colonial Guard had approximately 770 members (the numbers would frequently vary due to casualties and desertions).²⁸ Among them were 85 Spaniards: one coronel, two captains, eight lieutenants, six second lieutenants, 17 "European sergeants," and 51 "European corporals." Of the 685 blacks, there were 612 guards, 24 "indigenous corporals," four "indigenous sergeants," 27 musicians, and 18 buglers.²⁹ Among the African Askari guards, the majority started to be the Fang of Río Muni,³⁰ but there were still many foreigners, especially from Cameroon.³¹ The unit was divided into in four companies: the first of which was headquartered on the island, and the other three on the mainland. The second one had its central barracks central in Bata, the third in Mikomeseng, and the fourth in Elobey.³²

PRINCIPAL TOWNS AND COLONIAL GUARD POSTS



SOURCE: PREPARED BY THE AUTHOR BASED ON *ÁFRICA LA VIRGEN*, OF FLORENCIO CERUTI (SANTANDER 1928).

The occupation did not solely take place through posts on the border zones as Barrera had planned. Buiza prepared a two-way conquest. From Ebibeyín, the forces of the 3rd Company advanced heading southbound,

TRANSLATION

SPAIN'S LAST FOREST

following the border, as per Barrera's plan. But parallel thereto the 2nd Company took charge of occupying the central zone of Continental Guinea. Entering by way of Niefang, it took control of Evinayong and headed towards Akonibe. The creation of the posts situated between the Muni estuary and Akonibe were left for later.

It was necessary to act quickly in order to take advantage of the dry season, since it had been decided to halt the operations as soon as the first rains would appear. For that reason, the occupation of Muni was carried out in two phases, the first from June to November 1926, and the second during the first months of 1927. The work was done speedily. Many posts had to be constructed. And at each post, there had to be two barracks, one for the European guards and another for the Africans, plus a calabozo (jail), a school, and a "house of the word," for trials.³³ All of that had to be surrounded by a stockade to ensure the security of the colonial forces (and, at the same time, to keep close watch on them).³⁴

In June 1926, Buiza, who was personally directing the most complex operations, departed from Ebibeyín heading southbound with 284 equipment carriers. His first objective was to occupy Alén, at a distance of 41 km., construct a detachment there, and ensure communications between it and Ebibeyín.³⁵ Since it had had a Colonial Guard post, Alén was still called Alén Ntangan ("Alén of the whites").³⁶ After stabilizing the situation in Alén, in September, Buiza traveled 36 km. south, to Mongomo, where he established a second encampment. Not only did he widen the road that linked this locale with Alén and Ebibeyín, but he also that ordered the building of an "indigenous road" to connect Mongomo and Mikomeseng, passing through Nzang Oyek (Lieutenant Mené took charge of directing the creation of pathways). The purpose of this road was to save on equipment carriers, since traveling from Mikomeseng to Mongomo through Ebibeyín entailed a loss of several days of marching.³⁷ The new posts were commanded by corporals from the Colonial Guard, most of whom were recent arrivals from Spain.³⁸

To the south of Mongomo, still following the Guinea-Gabon border, the detachments were created of Asok, Nzork and Alum. The road linking these posts was repaired, and the path was also prepared that would link Nzork with Akonibe.³⁹ In order to foment the construction of highways, on October 13 the Fifth Company of the Colonial Guard was established, under the commandership of Enrique Mené. This company would deploy to the zones where roads were going to be built. At first it had its headquarters in Asok, but shortly afterwards it set up in Akonibe.⁴⁰

Meanwhile, Lieutenant Rafael Carrasco de Egaña, who was in command of the Second Company, undertook the conquest of the southern part of the territory. The conflictive Carrasco promised to "be exaggeratedly inflexible in punishing all violations

TRANSLATION

GUSTAU NERÍN

no matter how small.”⁴¹ The works were also completely extremely quickly: starting in Niefang, the hub already connected to Bata, Carrasco opened pathways to Evinayong and Akonibe, while also creating detachments every 40 kilometers (Misergue, Mongó, Mosok...). In August he already started creating the Akonibe detachment. In November 1926, the occupation process had to be halted, leaving the posts yet to be created for the second phase. During the period in which the works were paralyzed, an abundance of troops was stationed in the recently conquered zones, in order to put down possible revolts (which did not end up occurring). The center of operations of the north was in Nzang, and from there Ebibeyín, Alén, and Mongomo were controlled. The troops of the south were concentrated in Evinayong, and from there controlled Misergue, Asok, Akonibe, Nzork, and Alum.⁴²

In February 1927, the occupation of the territory resumed. Taking charge of this phase, carried out in the south of the country, were Buiza and Captain Sánchez Tirado. Starting in Kogo, three new posts were created, covering the southeast border: Abenelan, Ayene, and Akurenam.⁴³ In addition, a road was opened joining these three detachments to one another, along with another road connecting Akurenam to Evinayong and to Alum. In this way, the basic communication pathways of Rio Muni were laid, although at the time they were not yet in conditions to allow for the transit of motor vehicles.

The Colonial Guard at the time was out of control. Its communications with the Government General were quite few, since the governor delegated Buiza to handle all matters involving conflicts⁴⁴ —unfortunately, the archives of the Colonial Guard have been lost and the correspondence among its members have not been kept—. In the letters exchanged between Núñez de Prado and his superior, General Jordana, we find multiple references to bureaucratic matters, but few consultations regarding purely military matters.⁴⁵ In fact, everything seems to indicate that broad autonomy was given to the commanders of the Colonial Guard and that those commanders ignored the civil authorities. In March 1927, the deputy governor of Elobey found out, unofficially, that Corporal Ortiz had ordered the burning of three towns in the zone of Mebonde. Ortiz had reported these incidents to his second lieutenant, but his second lieutenant kept the information from reaching the deputy governor.⁴⁶

Despite this incident, everything seems to indicate that the conquest operations took place with a great deal of intimidation, but actually using very little force. The resistance of the Fang in 1926-1927 was quite meager. A good part of the territory to be occupied had endured the famine and the epidemic and may have suffered a demographic decline of as much as 50 percent in a few years. Large masses of the population had emigrated, and the clan networks had weakened

TRANSLATION

SPAIN'S LAST FOREST

on account of the dispersion.⁴⁷ The munition logs of the Colonial Guard indicate that between June 1926 and March 1927 not a single bullet was spent in military confrontations. Shooting of munitions only took place during practices.⁴⁸ It is possible that the colonial guards did not record certain combat, as had already happened on prior occasions. But, in all events, it is clear that there were no major punishment expeditions against the Fang insurgents, because no clan rose up in arms collectively against Buiza and his men. In 1927 more weapons arrived in Santa Isabel that Jordana had requested from the Ministry of War to subjugate the Fang. They were not necessary.⁴⁹

In 1927, the Fifth Company of the Colonial Guard moved its headquarters to Evinayong, and the Mobile Company was created, which would move from one place to another as a function of the construction of infrastructure.⁵⁰ The Mobile Company was the most numerous: It had 100 "indigenous" guards, three officers, three sergeants, and three Spanish corporals. It changed location many times. Among its bases were Meseng and Enok.⁵¹

DOMESTICATION OF THE TERRITORY

The interior of Río Muni had been occupied practically without difficulties. The next phase, the colonial intervention in the daily lives of its populations, would be more difficult.

One of the essential elements of the occupation was the construction of communication routes (Guinea, at the time, was far behind other nearby colonies, such as Cameroon or Oubangui-Chari, the current Central Africa).⁵² Núñez de Prado believed that the opening of routes and highways was indispensable to safeguard the military posts. He feared a possible revolt of the Fangs and wanted to be able to rapidly send reinforcements to any point of Muni in case of problems.⁵³ But the laying of roads was not just a matter of security for the General Government. The economic development of the colony necessarily entailed the use of vehicles. In a territory so sparsely populated, if many equipment carriers would be used, there would be a labor shortage for other productive tasks. If the colonial authorities wanted to promote agriculture, they would have to use less labor in the hauling tasks. Because of that, starting in 1926, not only were roads built in the recently occupied zones, but the preexisting ones were widened. The first road was opened in Río Muni, which would link Bata to Mikomeseng, passing through Niefang⁵⁴ (building it involved a great effort in the construction of bridges, in zones such as Ayantang).⁵⁵

TRANSLATION

GUSTAU NERÍN

such as that of Mongomo, Evinayong, or Nzork, attracted merchants and were turning into active hubs that underwent an accelerated urbanization process. Other posts did not generate such a dynamic and were abandoned in a short amount of time. The Colonial Guard left Nzang and Misergue because they believed that their locations were not the most suitable ones. The installations were turned over to the Claretian missionaries.⁷⁵ Also, the post of Mongo was moved to Niefang, where a detachment was created that would become the hub point of the line. Corporal Sebastián Nacarino and second lieutenant Emilio Gálvez were in charge of the construction of the new post (despite the fact Gálvez had just been implicated in a case of mistreatment of “indigenous” people in Nzang). Niefang wanted to be a “poetic encampment.” Flowers were even brought from Valencia to decorate it.⁷⁶ It soon would become an obligatory stopping point for vehicles heading from Bata to the interior, which made it grow rapidly. On the other hand, Asobla and Mebonde, two Colonial Guard posts situated on the Utamboni, fell into irremediable decay, even though in times past they had played a crucial role in the colonization of Río Muni.⁷⁷ The future district map of Guinea started to take shape. Yet, even though Barrera had planned for the detachments to be turned into territorial administrations with exclusively political functions, those entities were not created until 1934 (and continued to be militarized).⁷⁸

The health and educational networks were supposed to have been expanded in parallel to the construction of several infrastructure works. But social spending in Río Muni, was sparse. In 1928 it had been planned to build health establishments in both Nzork and Alén, but they did not end up going into operation. In April 1929, the Mikomeseng hospital was inaugurated, and in October that of Nkué.⁷⁹ But more attention was always given to military matters than to health matters. In addition, the health services did not always contribute to improvement in the lives of the population. In that era, obligatory blood analyses and the health I.D. started to be used in a widespread manner, as tool for control of the population. This means that the medical structures collaborated decisively in the oppression of the Africans.⁸⁰

The educational network in the interior continued to be in the hands of the Colonial Guard. In 1927, Río Muni already had 22 Colonial Guard schools: Mongó (under the umbrella of the 2nd Company); Mikomeseng, Alén, Ayamiken, Ebibeyín, Nzang, Mongomo, and Ngon (of the 3rd Company); Asobla, Río Aye, Calatrava, Corisco, Elobey, Kangañe, and Kogo (of the 4th Company); and Abenelang, Akurenam, Ayene, Nzork, Asok, Alum, and Akonibe (of the 5th Company). In them, 4,000 Guineans were educated⁸¹ (on the other hand, in Fernando Poo most of the educational centers were dependent upon Indigenous Patronage).

TRANSLATION

GUSTAU NERÍN

in 1927 they created those of Añizok, Bidjabidján, and Akok (next to Nkué); in 1928 the one in Meseng (which soon afterwards would be transferred to Nzang); in 1929 that of Ayene; and in 1930 those of Afanangui, Oveng Eseng (south of Ebibeyín), and Menang (between Ebibeyín and Mikomeseng).¹⁰⁴ In that year the great mission of Evinayong was also created, which in turn became a pole of evangelization from which new chapels were created.¹⁰⁵ The evangelization advanced not only from Nkué and Evinayong. In 1926 the reduction of Kogo was also created, and the Vedrunas installed themselves in the town of San Joaquín.¹⁰⁶ One year later the church of Río Benito started to be built...¹⁰⁷

In 1927, Nkué was turned into a residence for those the religious life, which further increased its influence.¹⁰⁸ Soon thereafter after, that mission's school started accepting children as boarding school pupils.¹⁰⁹ Dozens of small children from the interior came to stay at this enclave, where they were subjected to an education that was tremendously marked by ethnocide. Another key element of the evangelization of the interior was the creation of the catechists' school in 1928.¹¹⁰ The missionaries entrusted to Fang men the work of preaching the gospel among their own. But the first catechists frequently abused their position with married women, and the Claretians had to get better at choosing their candidates: they opted for mature men married in the church to avoid scandals.¹¹¹ The process of training the catechists was extremely fast: In 1928 the chapel of Añizok was already under the tutelage of catechist and teacher Baltasar Mba.¹¹²

At first the missionaries devoted themselves much more to evangelization than to education. The new chapels did not include any type of school, and in a large part of the interior the only educational centers were those of the Colonial Guard. In 1927, the continent had only eight religious schools, mostly close to the coast; Nkué, Machinda, Mokomo, Ayakué, Bía, Asobla, Elong, and Midzobo.¹¹³ Though the chapels proliferated, the religious schools were not appearing.¹¹⁴

NOTES

1. Balandier, 1971: 164.
2. AGA, G-168, File 2.
3. *La Voz de Fernando Poo*, November 10, 1922.
4. Unzueta, 1944: 91.
5. AGA, G-921.
6. AGA, G-927, File 3.
7. Ibid.
8. AGA, G-98, File 2.
9. Ibid.
10. *Boletín Oficial de los Territorios Españoles del Golfo de Guinea* [Official Bulletin of the Spanish Territories of the Gulf of Guinea], 191: 51.

TRANSLATION

[truncated] Muni was more and more necessary. Since the population density was low, the percentage of adults in servitude was very high. The same problem occurred in the colonies of French Equatorial Africa: in 1927, in the French Congo, up to 40 percent of men between 20 and 40 years of age worked on public works, and in Woleu Ntem in 1925 a third of the population in servitude⁷² (for Gabon, Woleu Ntem represented what Rio Muni was for Guinea: a gigantic reserve of manual labor).⁷³ In the decade of the 1920s, the demand for labor in Fang country shot up due to the increase in forest exploitation in Gabon and the beginning of construction of the Congo-Ocean railroad.⁷⁴ And, in Cameroon, after implementing colonial minister Albert Sarrault's policy of "mise en valeur," in 1923 the population was massively mobilized by way of servitude.⁷⁵ It was "one of the most traumatic chapters of colonization," as defined by the Cameroonian anthropologist Jean-Pierre Ombolo.⁷⁶

Such servitude became legalized in Guinea in 1908 when the interim governor Luis Daban implemented the policy that all black men between the ages of 15 and 50 who did not work for the colonists and who did not have officially registered properties should assist with public works.⁷⁷ In reality, at that time it was impossible to apply that rule on the continent because, had it been attempted, the populations there would have fled en masse to unoccupied areas. For the moment, servitude was only mandated on the island; it would not reach the continent until the conquest was completed.

In Rio Muni, works undertaken by the colonial administration were paid promptly until the 1920s. When Barrera went on his expeditions, he hired primarily Bisio dockworkers from the coast and paid them promptly. When the posts on the northern border were built, salaried manual labor was required.⁷⁸ Also, during the first phase of the Buiza operation, when the post of Mongomo, Alen, and Mongo were created, workers were paid. But soon the General Government changed its policy. Hired men were let go and men from neighboring areas who had typically only been paid with tobacco and food, or tobacco and clothing, were brought in (by creating addiction, tobacco reinforced the Africans' dependence on the colonizers, just like alcohol).⁷⁹ The colonial authorities argued that "they supply more useful labor and everyone carries on quite contently," adding that the treatment that the black men of the Muni received was much better than what the French afforded the inhabitants of Gabon and Cameroon.⁸⁰ Despite the fact that the special budget of 22 million pesetas had accounted for sizable investments in highways,⁸¹ Nunez de Prado bet on saving money on salaries and using forced labor instead. The Council of Governmental Authorities supported the governor and ordered that the inhabitants of the towns of Rio Muni were obligated to

TRANSLATION

provide 40 days of service annually⁸². (even though there were people who had suffered through forced labor for a much greater period of time).

In 1926-1927, the need for manual labor shot up and instances of servitude increased. The colonial authorities had difficulties finding workers for the many infrastructure projects they wished to carry out. At various times, there were more than 4,000 people simultaneously performing services simultaneously in Rio Muni.⁸³ In the Kogo area, which had only 2,500 inhabitants, there were serious problems: the terrain needed to be cleared for the new city, and the highways that were to connect this enclave with Evinayong and Rio Benito needed to be prepared. Only on the stretch from Bitika to Akalayong did 600 people manage to work at one time.⁸⁴ And at one time near Asobla, there were more than 400 locals serving the colonial administration as dockworkers.⁸⁵ All available men needed to be mobilized and, since no one particularly cared about the farms, food supplies began to wane.⁸⁶ In that instance, the plan was to pay the local inhabitants in cash, but bureaucratic problems meant that the budgeted funds could not be released, and people instead spent three months working without receiving either food or money.⁸⁷ The deputy governor of Elobey, the tyrannical Tovar de Revilla, showed no compassion, announcing that he was prepared to make the “Balengues, Bicos, and Bujebas” all work. He assumed responsibility for stealing labor from corporal Antoni Fullana. As Fullana could not assemble enough men, Tovar had to seek out people taken in the zone of influence belonging to the distant detachments of Nzork and Asok.⁸⁸ And this was despite the fact that many workers were being mobilized in Nzork to clear the path connecting Nzork, Alum, and Akonibe.⁸⁹

Servitude continued unabated for several years. After finishing the principal routes, they began to be converted into highways.⁹⁰ The General Directorate of Morocco and the Colonies was very satisfied. In 1928, Nunez de Prado asked Jordana to award the Cross of Civil Merit for having completed construction of the highways to the deputy governor of Bata, Loygorri; the public works engineer, Rodriguez; the public works foreman, Alcaide; and the officials, Enrique Mene, Eugenio Touchard, and Rafael Carrasco de Egaña, and their coworker, Adolfo Garcia Amilivia (who was, at that time, the administrator of the treasury). Jordana was successful in securing the award for everyone, as well as the governor himself.⁹¹ But despite all these homages, it soon became obvious that the public works were in very bad shape because they had not been built by experts. The new highways, subject to the [text incomplete]

TRANSLATION

Second Lieutenant Galvez, who commanded troops near Nzang, received a warning from Nunez de Prado in October 1927. The governor complained about the brutality towards “the indigenous at his command” and stated that although the highways “are necessary and essential [...] satisfaction and wellbeing prevailing among the indigenous is also indispensable, for which reason we shall treat them with great tact and justice.”¹¹⁰ Sargent Sanchez Rios and Second Lieutenant Galvez were tasked with an impossible mission: if they wanted highways, not having much of a budget, they had to resort to forced labor and therefore “satisfaction and wellbeing” among the Guineans would be impossible. As there were no extra volunteers to build the highways, Buiza ordered his subordinates to bribe the “traditional” chiefs so that they would be the ones who would send them “volunteers.” In this way, the Colonial Guard would not have to directly involve itself in capturing labor to indenture, and criticisms from the political authorities could be avoided.¹¹¹

In an interview with Julio Arija, Loygorri, the deputy governor of Bata, gave assurances that the colonial authorities availed themselves of “persuasion” in order to find workers.¹¹² He was lying: The Fang were not willing to work for free, and the only way to ensure that highways were built under these conditions was to resort to violence (as Lieutenant Carrasco de Egana himself recognized in official reports).¹¹³ The Fang did not passively accept this situation: on various occasions, workers rebelled against their white overseers and assaulted them. But judges and the colonial authorities severely punished these actions.¹¹⁴ Some village chiefs opposed obligatory service and encouraged their people to desert, but were detained.¹¹⁵ In 1925, when a colonial guard stationed in Ebibeyin was looking for people to build a bridge over the Ngoro river, he was met with opposition from the population in Mesana Yemende. The chief of this unit told him that “in this town, we do not want to see a guard of any kind, and we will not work on either the bridges or the roads.” The locals disarmed the infantryman, beat him, tied his hands, and sent him back to his post. The Colonial Guard sent an expedition to punish them. The parties responsible for the assault were detained and were sent to Fernando Poo to work on the cacao plantations.¹¹⁶

One of the most serious incidents took place in July 1927 in the town of Ngomongomo Esamvus between Evinayong and Abemelang. Two members of the Colonial Guard went to there to look for men to build roads (they arrived there with 50 detainees). The village chief together with 40 men resisted and killed the infantryman Ndong Alogo Okas. When the European corporal in charge of the area learned of these events, he went to the village, stabbed two men, and shot five others, killing them.¹¹⁷ Lieutenant Touchard was the person



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Jamie Hartz, Mary Lewis, Anthony Palomo, and Madeline Rios, linguists with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/12/21

Date



INDICE

Gustau Nerín

La última selva de España

ANTROPÓFAGOS. MISIONEROS Y GUARDIAS CIVILES.
CRÓNICA DE LA CONQUISTA DE LOS FANG
DE LA GUINEA ESPAÑOLA. 1914-1930

INTRODUCCIÓN 11

CAPÍTULO 1. CUANDO LOS POBLADOS DEL MUNI
STAN SOBERANOS (1778-1914) 13

CAPÍTULO 2. LA GUINEA CONTINENTAL ESPAÑOLA (1914) 37

CAPÍTULO 3. LA PRIMERA GUERRA MUNDIAL EN EL
MUNDO DE LOS FANGS (1914-1918) 57

CAPÍTULO 4. BARRERA Y SUS INTENTOS DE COLONIZACIÓN
DEL MUNI (1919-1926) 77

CAPÍTULO 5. RESISTENCIAS A LA COLONIZACIÓN (1919-1928) 117

CAPÍTULO 6. UNA SOCIEDAD EN TRANSFORMACIÓN (1919-1928) 137

CAPÍTULO 7. LA DEBACLE (1919-1927) 183

CAPÍTULO 8. UNA NUEVA POLÍTICA (1927-1930) 203



ÍNDICE

INTRODUCCIÓN 11

CAPÍTULO 1. CUANDO LOS POBLADOS DEL MUNI
ERAN SOBERANOS (1778-1914) 13

CAPÍTULO 2. LA GUINEA CONTINENTAL ESPAÑOLA (1914) 37

CAPÍTULO 3. LA PRIMERA GUERRA MUNDIAL EN EL MUNI (1914-1919) 67

CAPÍTULO 4. BARRERA Y SUS INTENTOS DE COLONIZACIÓN
DEL MUNI (1919-1926) 97

CAPÍTULO 5. RESISTENCIAS A LA COLONIZACIÓN (1919-1925) 117

CAPÍTULO 6. UNA SOCIEDAD EN TRANSFORMACIÓN (1919-1926) 133

CAPÍTULO 7. LA DEBACLE (1919-1927) 153

CAPÍTULO 8. UNA NUEVA POLÍTICA PARA LA GUINEA ESPAÑOLA (1926) 169

CAPÍTULO 9. LA OPERACIÓN BUIZA (1926-1927)	193	INDICE
CAPÍTULO 10. LOS FANG. BRACEROS EN FERNANDO POO (1926-1927)	209	
CAPÍTULO 11. EXPLOTAR EL MUNI (1926-1930)	237	
CAPÍTULO 12. VEINTISIETE AÑOS DE SILENCIO (1914-1931)	253	
EPÍLOGO. NUEVOS TIEMPOS PARA EL MUNI (1929)	281	
BIBLIOGRAFÍA	293	

y, en último término, a los consumidores⁴⁷. No obstante, para abaratar costos en el sector del cacao, se seguía pensando en la movilización de la mano de obra forzada del continente.

Pero los braceros fang continuaban sin llegar (sólo se contrataba a los que se llevaba Barrera, en sus expediciones periódicas). La primera gira del gobernador tras la Primera Guerra Mundial, en 1920, ya tenía como objetivo básico la obtención de mano de obra (también quería controlar las zonas fronterizas ante las incursiones francesas y visitar los nuevos puestos militares del norte del Muni)⁴⁸. En la expedición de 1920, y en alguna de las siguientes, Barrera consiguió llevarse a numerosos braceros a Fernando Poo (aunque algunas veces tuvo roces con trabajadores que ya habían estado en la isla y que no habían vuelto satisfechos con el trato que habían recibido en las plantaciones)⁴⁹. Pero tuvo menos éxito en su intento de frenar los ataques franceses: controlar el territorio era una tarea mucho más complicada⁵⁰.

En su gira de 1920, Barrera concretó un plan para proceder a la definitiva ocupación del continente, identificando las localidades en las que se debían fundar los destacamentos de las fronteras sur y este. Al volver a Santa Isabel envió un informe al Ministerio de Estado en el que solicitaba medios para la ocupación de la frontera, avisando que los franceses estaban presionando para apoderarse del Muni y de su mano de obra⁵¹. Como no obtuvo una respuesta satisfactoria de Madrid, Barrera redactó un detallado plan de despliegue, que envió a su ministro en 1921. En el primer y segundo año se crearían los puestos militares, se trazarían los caminos y se tendería la línea telefónica. Durante los dos años siguientes el territorio seguiría bajo control de la fuerza militar, pero con menos tropas. El quinto año, con el país ya conocido y dominado, se reduciría el número de puestos y se crearían delegaciones civiles, pero servidas, en principio, por personal militar. En el octavo año se establecería definitivamente una administración civil⁵². Tampoco llegaron recursos para esta iniciativa. En realidad, en la Guinea colonial, jamás existiría una administración civil (excepto un tímido intento durante la Segunda República).

Barrera volvió a pedir recursos para el despliegue en 1922 y 1923, sin éxito⁵³. En Madrid no parecía haber demasiado interés por Guinea. Mientras en las colonias vecinas, la exploración del territorio ya se había completado y se centraban todos los esfuerzos en la colonización, el sur del Muni era completamente desconocido para los españoles. Sólo el gobernador y sus acompañantes —y la Guardia Colonial—, en sus giras periódicas, llegaban de forma efímera a los poblados de la selva más aislados. La única exploración del territorio organizada desde la metrópolis, entre 1920 y 1926, fue la de Enrique Olea, quien en 1922 viajó al Muni para valorar sus posibilidades económicas⁵⁴.

GUSTAU NERÍN

LA GUARDIA COLONIAL A LA CONQUISTA DEL MUNI

A lo largo de la Primera Guerra Mundial, la creación de los puestos de la frontera norte y la revuelta generalizada de los clanes fang habían dado un gran protagonismo a la Guardia Colonial. A partir de ese momento, las fuerzas militares iban a jugar un papel clave en la conquista del Muni. Los destacamentos eran polos comerciales y administrativos desde los que se trataba de influir en todo el territorio (aunque su influjo no llegaba hasta los fang que habitaban al sureste de la Guinea Continental). A principios de 1921, Barrera, aún sin apoyo financiero de Madrid, decidió crear un nuevo puesto en el extremo noreste del país, en Akonanguí⁵⁵. De esta forma, toda la frontera norte del Muni quedó bajo el dominio colonial y la influencia española se extendió tierra adentro. La línea de Mikomeseng cubría los 175 km del límite guineo-camerunés. En cambio, la línea de Asobla, que defendía la frontera guineo-gabonesa, sólo cubría una pequeña parte del límite sur, básicamente el estuario del Muni.

El número de áscaris de la Guardia Colonial siempre estuvo por debajo de las necesidades estimadas. Los 330 efectivos que el cuerpo tenía en 1920 debían repartirse entre nueve destacamentos en Fernando Poo, uno en Annobón, diecisiete en Río Muni y la comisaría de policía de Santa Isabel (una media de apenas de diez personas por puesto). La dispersión de las tropas limitaba su operatividad⁵⁶.

La Guardia Colonial se vio reforzada, durante la Primera Guerra Mundial, con la incorporación al cuerpo de áscaris cameruneses que habían pertenecido al ejército imperial alemán y que tenían una formación militar muy sólida⁵⁷. Gracias al alto número de fang y ewondo cameruneses, el porcentaje de fanghablantes en el cuerpo creció y la instrucción empezó a hacerse, no sólo en *pidgin english*, sino también en fang⁵⁸. Estos cameruneses pronto coparon los puestos claves del cuerpo: "sargentos indígenas", "cabos indígenas", cornetas, intérpretes... A partir de 1924 también fue creciendo el número de fang del Muni en la Guardia Colonial⁵⁹. Habitualmente, los mandos los enviaban lejos de sus poblados de origen para evitar "parcialidad en el deber"⁶⁰.

La Guardia Colonial también se reforzó por la consolidación de un grupo de oficiales jóvenes que sustituyó a algunos veteranos guardias civiles poco dinámicos. Estos jóvenes oficiales, que permanecieron mucho tiempo en Guinea, se turnaban en los puestos avanzados y llegaron a manejarse bastante bien en el difícil territorio del Muni. Para mantenerlos satisfechos, cuando en 1924 se aumentaron los salarios de todos los miembros blancos de la Guardia Colonial, se estableció un sobresueldo del 50 por ciento para los destinados en los puestos de la frontera norte, donde las condiciones eran más difíciles y la

responsabil
avanzados. Y
cambios de
actuaba por
por las expe
mentaba sus
po le era difi
de oficial en
bajas y de las

Durante

Carlos Tovar

Estaba tan a

dad le corre

y Tovar, que

nalmente, er

se resistía a

Elobey (de fo

ley)⁶⁶. Sus su

En reali

capitán Tomá

región, dirigi

mucho más qu

militar, se en

teras de la Gu

logística de su

plo de colonia

caracterizaba

dista: "Si es fa

dad se podrá ha

Buiza nació ha

voluntario, ing

1911 a la Guardi

destinó en Sant

A partir de 1916

y también ocupa

brado Caballero

1ª Clase del Mérito

raciones. Aba

de obra de los áscaris y de la población local⁸⁵. Poco después, Atalaya enfermó y murió; los esandón argumentan que falleció porque para instalar el campamento había cortado una ceiba sagrada⁸⁶. Más tarde, los franceses alegaron⁸⁷ que el puesto español estaba al norte del paralelo 2° 10' N. Los españoles no aceptaron el cálculo astronómico de los franceses, pero para mantener las buenas relaciones bilaterales decidieron reubicar el puesto más al sur⁸⁸ (en realidad, Akonangui está situado al norte de la línea fronteriza; y en 1908 ya era considerado territorio alemán)⁸⁹. La Guardia Colonial pensó en trasladar el destacamento Príncipe Alfonso a Misá, un poblado que había constituido una parada obligada en las expediciones de Barrera y en las giras de las fuerzas militares españolas⁹⁰.

Pero cuando se discutía el traslado, los oficiales españoles contactaron con un hombre que les resultaría providencial: Ondó Nkulu. Este jefe esandón procedía de Bitam y ya había tenido un nombramiento alemán en tiempos del Neu Kamerun⁹¹. Pero durante la Primera Guerra Mundial se había sumado a la revuelta anticolonial y había tenido que huir de Gabón. Se instaló con su gente en Ebibeyín⁹², y una vez en la Guinea Continental colaboró estrechamente con los españoles. Incluso denunció a la Guardia Colonial a otro jefe esandón, Oyono Nkulu, porque en 1919 había guiado a las tropas francesas en una incursión por territorio hispano⁹³. Ya con nombramiento español, Ondó Nkulu colaboró estrechamente con los tenientes Ayala y Mené y gracias a esto el destacamento de Akonangui se trasladó a Ebibeyín (inaugurándose en octubre de 1922)⁹⁴. La autoridad de Ondó Nkulu se reforzó porque muchos habitantes de Akonangui acompañaron a los áscaris y se establecieron en Ebibeyín. Este jefe esandón aprovechó la ocasión para reforzar su relación con los españoles. Solía formar parte como asesor de los tribunales tradicionales de Mikomeseng, aunque tenía que andar más de 100 km para asistir a las palabras⁹⁵. Por lo general, sus opiniones eran muy respetadas por los mandos militares⁹⁶.

El jefe de Evinayong, Nguema Eyama, destacaba sobre los otros líderes del sur del Muni. Cuando Barrera visitó esta localidad, Nguema Eyama lideró a un numeroso grupo de dirigentes fang que hizo acto de sumisión a España. Aprovechó la ocasión para reclamar la creación de un puesto militar en su pueblo. Aunque el destacamento tardó, al final acabó por instalarse en Evinayong, una localidad que gracias a esto se convirtió en capital de distrito⁹⁷. Bidjabidján también logró un lugar privilegiado entre los pueblos de su área porque su jefe, Ngomo Kolé, fue a pedir un destacamento a Barrera en 1912, cuando éste fue a Misá a entrevistarse con Zimmermann, el jefe militar de Camerún⁹⁸. El jefe de Minchobo Angom, en la zona de Kogo, no se limitó a pedir a los españoles un destacamento: solicitó que el Subgobierno de Elobey se trasladara a su pueblo⁹⁹. No tuvo suerte y finalmente lo

También se necesitarían 13 oficiales, ya que en ese momento estaban justos para cubrir los cargos básicos de la colonia (los jefes de compañía y de línea), pero no se había previsto cómo suplir las vacantes por enfermedad o por licencia, ni cómo cubrir las plazas de plana mayor¹⁷. Algunos destacamentos del interior eran dirigidos por un cabo europeo recién llegado de la metrópolis, que tenía graves problemas para realizar sus funciones¹⁸.

Núñez de Prado tenía prisa. En abril de 1926, a los pocos meses de llegar a la colonia, ya solicitó a Madrid el presupuesto para la creación de los nuevos puestos¹⁹. Y ese mismo mes, le enviaron un grupo de cabos de la Guardia Civil y un libramiento suplementario de armamento: 130 mosquetones mauser, 130 machetes y 100.000 cartuchos²⁰ (con lo que se duplicó la munición disponible)²¹. Para preparar el despliegue militar, una parte importante de las armas y municiones se envió a Mikomeseng; el resto quedó a disposición del Servicio de Expediciones, el encargado de reforzar a las unidades en misiones especiales²². La Dirección General de Marruecos y Colonias ofreció, a través de la Real Orden nº 222, presupuesto para la creación de cinco nuevos puestos militares²³. No bastaba: Barrera había calculado que se necesitaban 15 destacamentos para cubrir por entero las fronteras del este y del sur (no obstante, en colonias vecinas, como Gabón, Camerún o el Congo Belga, la densidad de puestos era mucho menor).

EL DESPLIEGUE

Núñez de Prado, convencido de que contaba con el apoyo de Madrid, inició por su cuenta la colonización del territorio. La orden de arranque de las operaciones se dio en junio de 1926, a pesar de que el Gobierno no concedió oficialmente el presupuesto especial para Guinea hasta un mes más tarde y no financió la ampliación de la Guardia Colonial hasta diciembre²⁴. En realidad, la ocupación del territorio en sí tuvo un coste mínimo: 30.000 pesetas en la primera fase y todavía menos en la segunda²⁵ (lo que resultaría mucho más costoso sería el despliegue de las infraestructuras).

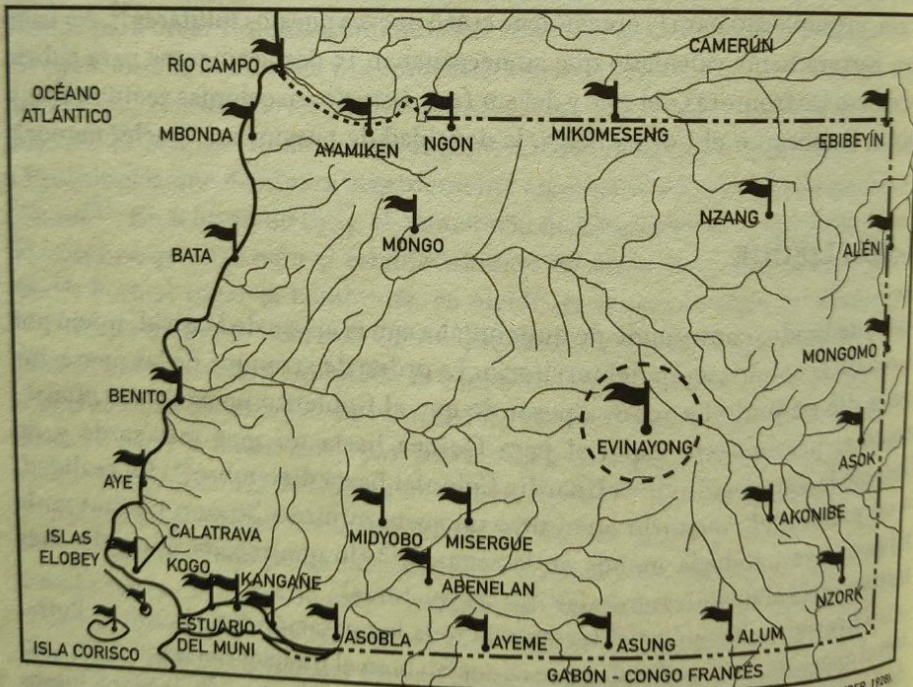
El responsable sobre el terreno de toda la operación fue el capitán Buiza, con el apoyo de varios oficiales que conocían bien el interior del Muni: Carrasco de Egaña, Eugenio Touchard, Enrique Mené, Ruano Wamba...²⁶. Jordana intercambiaba correspondencia continuamente con Buiza, para asegurarse de que las operaciones marchaban bien²⁷. Para seguir los avances de las fuerzas coloniales, Buiza se desplazó a la selva. Como el capitán pasaba largas temporadas en zonas incomunicadas, Núñez de Prado decidió retirarle temporalmente el cargo de

GUSTAU NERÍN

jefe de la Guardia Colonial, que ocupaba interinamente, y cedérselo a Julián Ayala, que sólo era teniente. Esta medida vulneraba todas las ordenanzas militares, que establecían que jamás nadie podía mandar a un superior en grado. Buiza protestó airadamente por ello.

En 1926, la Guardia Colonial contaba, aproximadamente, con 770 efectivos (las cifras variaban con frecuencia a causa de las bajas y las deserciones)²⁸. Entre ellos había 85 españoles: un coronel, dos capitanes, ocho tenientes, seis alféreces, 17 "sargentos europeos", y 51 "cabos europeos". De los 685 negros había 612 guardias, 24 "cabos indígenas", cuatro "sargentos indígenas", 27 músicos y 18 cornetas²⁹. Entre los áscaris empezaban a ser mayoritarios los fang de Río Muni³⁰, pero todavía quedaban muchos extranjeros, especialmente cameruneses³¹. La unidad estaba dividida en cuatro compañías: la 1ª con sede en la isla, y las otras tres en el continente: la 2ª tenía su cuartel central en Bata, la 3ª en Mikomeseng y la 4ª en Elobey³².

PRINCIPALES POBLADOS Y PUESTOS DE LA GUARDIA COLONIAL



FUENTE: ELABORACIÓN PROPIA BASADA EN *ÁFRICA LA VIRGEN*, DE FLORENCIO CERUTI (SANTANDER, 1928).

La ocupación no se realizó sólo mediante puestos en las zonas fronterizas, como había previsto Barrera. Buiza preparó la conquista a través de dos vías. Desde Ebibeyin, las fuerzas de la 3ª Compañía fueron avanzando hacia el sur.

siguiendo la frontera, según el plan de Barrera. Pero paralelamente, la 2ª Compañía se encargó de la ocupación de la zona central de la Guinea Continental. Entrando por Niefang, controló Evinayong y se lanzó hacia Akonibe. La creación de los puestos situados entre el estuario del Muni y Akonibe se dejó para más adelante.

Había que actuar con celeridad, para aprovechar la estación seca, ya que se había decidido paralizar las operaciones en cuanto aparecieran las primeras lluvias. Por eso la ocupación del Muni se llevó a cabo en dos fases, la primera de junio a noviembre de 1926, y la segunda, durante los primeros meses de 1927. Se trabajaba deprisa. Se debían construir muchos puestos. Y en cada uno, debía haber dos cuarteles, uno para los guardias europeos y otro para los africanos, un calabozo, una escuela y una "casa de la palabra", para los juicios³³. Todo ello debía estar rodeado de una empalizada para garantizar la seguridad de las fuerzas coloniales (y, a la vez, para vigilarlas estrechamente)³⁴.

En junio de 1926, Buiza, que dirigía en persona las operaciones más complicadas, salió de Ebibeyín en dirección sur con 284 cargadores. Su primer objetivo era ocupar Alén, a 41 km, construir allí un destacamento, y garantizar las comunicaciones entre éste y Ebibeyín³⁵. Por haber contado con un puesto de la Guardia Colonial, a Alén todavía se le llama Alén Ntangan ("Alén de los blancos")³⁶. Tras haber estabilizado la situación en Alén, en septiembre Buiza se desplazó 36 km hacia el sur, hasta Mongomo, donde estableció un segundo campamento. No sólo amplió el camino que unía esta localidad con Alén y Ebibeyín, sino que ordenó construir un "camino indígena" que conectaba Mongomo y Mikomeseng, pasando por Nzang Oyek (el teniente Mené se encargó de dirigir la creación de senderos). El objetivo de este camino era ahorrar cargadores, ya que al ir de Mikomeseng a Mongomo pasando por Ebibeyín se perdían varias jornadas de marcha³⁷. Los nuevos puestos eran dirigidos por cabos de la Guardia Colonial, en su mayoría recién llegados de España³⁸.

Al sur de Mongomo, y siguiendo siempre la frontera guineo-gabonesa, se crearon los destacamentos de Asok, Nzork y Alum. Se adecentó el camino que unía estos puestos, y también se preparó el sendero que uniría Nzork con Akonibe³⁹. Para impulsar la construcción de carreteras, el 13 de octubre se constituyó la 5ª Compañía de la Guardia Colonial, bajo el mando de Enrique Mené. Esta compañía se iba desplazando a las zonas donde se debían abrir caminos. En principio tuvo sede en Asok, pero poco después se instaló en Akonibe⁴⁰.

Mientras tanto, el teniente Rafael Carrasco de Egaña, al mando de la 2ª Compañía, emprendió la conquista de la parte sur del territorio. El conflictivo Carrasco prometió "ser exageradamente inflexible en el castigo de toda falta

GUSTAU NERÍN

por pequeña que ésta sea"⁴¹. Las obras también fueron extremadamente rápidas: a partir de Niefang, núcleo que ya estaba conectado con Bata, Carrasco abrió senderos hasta Evinayong y Akonibe, creando destacamentos, también, cada 40 kilómetros (Misergue, Mongó, Mosok...). En agosto ya se empezó a levantar el destacamento de Akonibe. En noviembre de 1926 se tuvo que detener el proceso de ocupación, dejando los puestos que faltaban para la segunda fase. Durante el periodo en que las obras estuvieron paralizadas, se acantonaron abundantes tropas en las zonas recién conquistadas, para reprimir posibles revueltas (que no llegaron a producirse). El centro de operaciones del norte estaba en Nzang y desde allí se controlaba Ebibeyín, Alén y Mongomo. Las tropas del sur se concentraban en Evinayong y desde allí controlaban Misergue, Asok, Akonibe, Nzork y Alum⁴².

En febrero de 1927 se reemprendió la ocupación del territorio. Se encargaron de esta fase, que se desarrolló en el sur del país, Buiza y el capitán Sánchez Tirado. A partir de Kogo se procedió a la creación de tres nuevos puestos que cubrían la frontera sudeste: Abenelan, Ayene y Akurenam⁴³. Además, se abrió un camino que unía estos tres destacamentos entre sí y otro que conectaba Akurenam con Evinayong y con Alum. De esta forma se consiguió completar el trazado de las vías de comunicación básicas de Río Muni, aunque en ese tiempo todavía no estaban en condiciones de permitir la circulación de vehículos a motor.

La Guardia Colonial, por aquel entonces, estaba fuera de control. Sus comunicaciones con el Gobierno General eran muy escasas, ya que el gobernador delegaba en Buiza todos los asuntos conflictivos⁴⁴—por desgracia se han perdido los archivos de la Guardia Colonial y no se guarda la correspondencia entre sus miembros—. En las cartas cruzadas entre Núñez de Prado y su superior, el general Jordana, encontramos múltiples referencias a asuntos burocráticos, pero pocas consultas sobre cuestiones puramente militares⁴⁵. En realidad, todo parece indicar que se daba amplia autonomía a los mandos de la Guardia Colonial y que éstos ignoraban la autoridad civil. En marzo de 1927 el subgobernador de Elobey se enteró, extraoficialmente, de que el cabo Ortiz había ordenado la quema de tres pueblos en la zona de Mebonde. Ortiz había informado de estos sucesos a su alférez, pero éste los había ocultado al subgobernador⁴⁶.

A pesar de este incidente, todo parece indicar que las operaciones de conquista se hicieron con mucha intimidación, pero ejerciendo en realidad muy poca fuerza. La resistencia de los fang, en 1926-1927 fue muy escasa. Buena parte del territorio a ocupar había padecido la hambruna y la epidemia y podría haber sufrido una caída demográfica de hasta el 50 por ciento en pocos años. Grandes masas de población habían emigrado y las redes clínicas se habían debilitado

a causa de la dispersión⁴⁷. Los estadillos de municionamiento de la Guardia Colonial indican que entre junio de 1926 y marzo de 1927 no se gastó ni una sola bala en enfrentamientos bélicos: sólo se disparó munición en prácticas⁴⁸. Es posible que los guardias coloniales no hubieran consignado algunos combates, como ya había pasado en ocasiones anteriores. Pero, en cualquier caso, parece claro que no hubo grandes expediciones de castigo contra los insurgentes fang, porque ningún clan se alzó en armas colectivamente contra Buiza y sus hombres. En 1927 llegaron a Santa Isabel más armas, que Jordana había pedido al Ministerio de la Guerra para subyugar a los fang. No fueron necesarias⁴⁹.

En 1927, la 5ª Compañía de la Guardia Colonial desplazó su sede hacia Evinayong y se creó la Compañía Móvil, que se desplazaba de una localidad a otra en función de la construcción de infraestructuras⁵⁰. Era la más numerosa: contaba con 100 guardias "indígenas", tres oficiales, tres sargentos y tres cabos españoles. Cambió de ubicación muchas veces: contándose entre sus bases Meseng y Enok⁵¹.

LA DOMESTICACIÓN DEL TERRITORIO

El interior de Río Muni se había ocupado prácticamente sin dificultades. La fase siguiente, la intervención colonial sobre la vida cotidiana de sus poblaciones, iba a ser más difícil.

Uno de los elementos esenciales de la ocupación era la construcción de vías de comunicación (Guinea, en la época, estaba muy retrasada respecto a otras colonias próximas, como Camerún o Oubangui-Chari, la actual Centroáfrica)⁵². Núñez de Prado creía que la apertura de sendas y carreteras era indispensable para asegurar los puestos militares: temía una posible revuelta de los fang y quería poder enviar refuerzos a cualquier punto del Muni con celeridad en caso de problemas⁵³. Pero el trazado de caminos no era, para el Gobierno General, sólo una cuestión de seguridad. El desarrollo económico de la colonia debía pasar, necesariamente, por el empleo de vehículos. En un territorio tan poco poblado, si se movilizaba a muchos cargadores, faltaba mano de obra para otras tareas productivas. Si las autoridades coloniales querían promocionar la agricultura, debían ahorrar brazos en las tareas de carga. Por eso, a partir de 1926, no sólo se construyeron caminos en las zonas recién ocupadas, sino que también se ampliaron los preexistentes. Se empezó a abrir la primera pista de Río Muni, la que uniría Bata con Mikomeseng pasando por Niefang⁵⁴ (para hacerlo se requirió un gran esfuerzo en la construcción de puentes, en zonas como Ayantang)⁵⁵.

GUSTAU NERÍN

como Mongomo, Evinayong o Nzork, atrajeron a comerciantes y se fueron convirtiendo en núcleos activos, que experimentaron un proceso de acelerada urbanización. Otros puestos no generaron esta dinámica y acabaron siendo abandonados al cabo de poco tiempo. La Guardia Colonial dejó Nzang y Misergue porque se creía que sus ubicaciones no eran las más idóneas; las instalaciones fueron cedidas a los misioneros claretianos⁷⁵. Y se trasladó el puesto de Mongó a Niefang, donde se creó un destacamento que se convertiría en cabecera de línea. Se encargaron de la construcción del nuevo puesto el cabo Sebastián Nacarino y el alférez Emilio Gálvez (a pesar de que éste acababa de verse implicado en un caso de maltratos contra "indígenas" en Nzang). Niefang quería ser un "campamento poético": incluso se trajeron flores de Valencia para decorarlo⁷⁶. Pronto se convertiría en una escala obligatoria para los vehículos que iban de Bata hacia el interior, lo que le hizo crecer rápidamente. En cambio entraron en decadencia irremediable Asobla y Mebonde, dos puestos de la Guardia Colonial situados en el Utamboni, a pesar de que antaño habían jugado un papel crucial en la colonización de Río Muni⁷⁷. Se iba perfilando el futuro mapa distrital de Guinea. Pero aunque Barrera había previsto que los destacamentos se convertirían en administraciones territoriales, con funciones exclusivamente políticas; estas entidades no se crearon hasta 1934 (y siguieron militarizadas)⁷⁸.

Las redes sanitaria y educativa deberían haberse expandido paralelamente a la construcción de infraestructuras viarias. Pero el gasto social, en Río Muni, fue escaso. En 1928 se había previsto construir sendos establecimientos sanitarios en Nzork y Alén, pero éstos no llegaron a funcionar. En abril de 1929 se inauguró el hospital de Mikomeseng y en octubre el de Nkué⁷⁹. Pero siempre se prestó más atención a los asuntos militares que a los sanitarios. Además, la sanidad no siempre contribuyó a la mejora del nivel de vida de las poblaciones. En esa época se empezaron a generalizar los análisis de sangre obligatorios y la cartilla sanitaria, utilizada como herramienta de control de la población, con lo que las estructuras médicas colaboraron decisivamente a la opresión de los africanos⁸⁰.

La red educativa del interior siguió en manos de la Guardia Colonial. En 1927, en Río Muni, ya había 22 escuelas de la Guardia Colonial: Mongó (dependiente de la 2ª Compañía); Mikomeseng, Alén, Ayamiken, Ebibeyín, Nzang, Mongomo y Ngon (de la 3ª Compañía); Asobla, Río Aye, Calatrava, Corisco, Elobey, Kangañe y Kogo (de la 4ª Compañía); y Abenelang, Akurenam, Ayene, Nzork, Asok, Alum y Akonibe (de la 5ª Compañía). En ellas se educaba a 4.000 guineanos⁸¹ (en cambio, en Fernando Poo la mayoría de centros educativos dependían del Patronato de Indígenas).

GUSTAU NERÍN

1927 crearon las de Añizok, Bidjabidján y Akok (junto a Nkué); en 1928, la de Meseng (que poco después pasaría a Nzang); en 1929 la de Ayene; y en 1930, las de Afanangui, Oveng Eseng (al sur de Ebibeyín) y Menang (entre Ebibeyín y Mikomeseng)¹⁰⁴. En ese año también se creó la gran misión de Evinayong, que a su vez se convirtió en un polo de evangelización desde el que se creaban nuevas capillas¹⁰⁵. La evangelización no sólo avanzaba desde Nkué y Evinayong, en 1926 también se creó la reducción de Kogo y las vedrunas se instalaron en el pueblo de San Joaquín¹⁰⁶. Un año más tarde se empezó a construir la iglesia de Río Benito...¹⁰⁷.

En 1927, Nkué se convirtió en residencia de religiosos, lo que todavía impulsó más su dinamismo¹⁰⁸. Poco después, la escuela de esta misión empezó a aceptar a niños internos¹⁰⁹. Decenas de pequeños del interior se desplazarían a este enclave, donde eran sometidos a una educación tremendamente etnocida. Otro elemento clave de la evangelización del interior fue la creación de la escuela de catequistas en 1928¹¹⁰. Los misioneros confiaban a hombres fang la labor de predicar el evangelio entre los suyos. Pero los primeros catequistas con frecuencia abusaban de su posición con las mujeres casadas, y los claretianos tuvieron que seleccionar mejor a sus candidatos: optaron por hombres maduros y casados canónicamente, para evitar escándalos¹¹¹. El proceso de formación de catequistas fue extremadamente rápido; en 1928 la capilla de Añizok ya estaba bajo la tutela del catequista y maestro Baltasar Mba¹¹².

En un primer momento, los misioneros se ocuparon mucho más de la evangelización que de la educación. Las nuevas capillas no incluían ningún tipo de escuela y en buena parte del interior los únicos centros educativos que había eran los de la Guardia Colonial. En 1927 en el continente sólo había ocho escuelas religiosas, la mayoría cerca la costa: Nkué, Machinda, Mokomo, Ayakué, Bia, Asobla, Elong y Midzobo¹¹³. Mientras proliferaban las capillas, las escuelas religiosas no aparecían¹¹⁴.

NOTAS

1. Balandier, 1971: 164.
2. AGA, G-168, exp. 2.
3. *La Voz de Fernando Poo*, 10 de noviembre de 1922.
4. Unzueta, 1944: 91.
5. AGA, G-921.
6. AGA, G-927, exp. 3.
7. Ídem.
8. AGA, G-928, exp. 2.
9. Ídem.
10. *Boletín de los Territorios Españoles del Golfo de Guinea*, 1921: 51.

11. AGA, G-9.
12. AGA, G-1702.
13. Bravo, 1926: 2.
14. Bravo, 1926: 2.
15. AGA, G-931, e.
16. AGA, G-857, e.
17. AGA, G-930, e.
18. AGA, G-928, e.
19. AGA, G-1377.
20. Ídem.
21. AGA, G-930, e.
22. AGA, G-5, exp.
23. AGA, G-1377.
24. AGA, G-197, e.
25. Ceruti, 1928: 3.
26. AGA, G-931, e.
27. AGA, G-857, e.
28. AGA, G-930, e.
29. AGA, G-931, e.
30. AGA, G-932, e.
31. AGA, G-930, e.
32. AGA, G-930, e.
33. AGA, G-929, e.
34. AGA, G-931, e.
35. AGA, G-929, e.
36. Entrevista col.
37. AGA, G-1377.
38. AGA, G-930, e.
39. AGA, G-1723.
40. AGA, G-930, e.
41. AGA, G-930, e.
42. AGA, G-931, e.
43. Unzueta, 1944.
44. AGA, G-932, e.
45. AGA, G-1377.
46. AGA, G-1633.
47. AGA, G-929, e.
48. AGA, G-5, exp.
49. AGA, G-857, e.
50. AGA, G-574, e.
51. AGA, G-81, AG.
52. Gidé, 1955: 63.
53. AGA, G-1377.
54. Gillis, 1927: 20.
55. *La Guinea Española*.
56. AGA, G-7, exp.
57. AGA, G-1632.
58. AGA, G-929, e.
59. *La Guinea Española*.
60. *La Guinea Española*.
61. AGA, G-1783.
62. Gillis, 1927: 26.
63. AHN, FC Direc.
64. Madrid, 1933.
65. París, 1932: 4-5.
66. *Britanica*, 1997.
67. Arja, 1930: 15.
68. AGA, G-930, e.
69. Nájera, 1932: 3.
70. Perpiñá, 1945.

Río Muni cada vez era más necesaria. Como la densidad de población era baja, el porcentaje de adultos destinado a prestaciones era muy alto. El mismo problema ocurría en las colonias del África Ecuatorial Francesa: en 1927, en el Congo francés, hasta un 40 por ciento de los hombres de entre 20 y 40 años trabajaba en las obras públicas; y en el Woleu Ntem, en 1925, un tercio de la población hacía prestaciones⁷² (para Gabón, el Woleu Ntem representaba lo que Río Muni para Guinea: una gigantesca reserva de mano de obra)⁷³. En la década de 1920 se disparó la demanda de mano de obra en el país fanga causa del incremento de las explotaciones forestales en Gabón y del inicio de la construcción del ferrocarril Congo-Océan⁷⁴. Y en Camerún, tras la aplicación de la política de "mise en valeur" por el ministro de Colonias Albert Sarrault, en 1923, se movilizó masivamente a la población mediante prestaciones⁷⁵. Fue "uno de los episodios más traumáticos de la colonización", como lo ha definido el antropólogo camerunés Jean-Pierre Ombolo⁷⁶.

Las prestaciones, en Guinea se legalizaron en 1908 cuando el gobernador interino Luis Dabán estableció que todos los hombres negros de entre 15 y 50 años que no trabajaran para los colonos ni tuvieran propiedades registradas oficialmente deberían colaborar en las obras públicas⁷⁷. En realidad, en ese momento era imposible aplicar esta normativa en el continente, ya que en caso de haberlo intentado, las poblaciones se hubieran fugado en masa hacia las zonas no ocupadas. De momento, las prestaciones sólo se aplicaron en la isla; no llegarían al continente hasta que se completó la conquista.

En Río Muni los trabajos por cuenta de la administración colonial, hasta los años 1920, se pagaron puntualmente. Cuando Barrera hacía sus expediciones contrataba a cargadores de la costa, principalmente bisió, y los pagaba escrupulosamente. Y cuando se construyeron los puestos de la frontera norte se recurrió a mano de obra asalariada⁷⁸. También en la primera fase de la operación Buiza, cuando se crearon los puestos de Mongomo, Alén y Mongó, se pagó a los trabajadores. Pero pronto el Gobierno General cambió de política. Se despidió a los hombres contratados y se cogió a vecinos de la zona, a los que habitualmente se retribuía sólo con tabaco y comida, o con tabaco y piezas de ropa (el tabaco, al crear adicción, reforzaba la dependencia de los africanos respecto a los colonizadores, al igual que el alcohol)⁷⁹. Las autoridades coloniales alegaban que "rinden un trabajo más útil y marchan todos muy contentos", añadiendo que el trato que recibían los negros del Muni era mucho mejor que el que daban los franceses a los habitantes de Gabón y Camerún⁸⁰. A pesar de que en el presupuesto extraordinario de 22 millones de pesetas había previstas cuantiosas inversiones en carreteras⁸¹, Núñez de Prado apostó por ahorrarse

GUSTAU NERÍN

salarios y utilizar los trabajos forzados. La Junta de Autoridades apoyó al gobernador y se estableció que los habitantes de los poblados de Río Muni debían cumplir 40 días de prestaciones anuales⁸² (aunque hubo gente que sufrió trabajos forzados durante mucho más tiempo).

En 1926-1927, las necesidades de mano de obra se dispararon y las prestaciones se incrementaron. Las autoridades coloniales tenían dificultades para encontrar trabajadores para las múltiples infraestructuras que se querían realizar. En determinados momentos en Río Muni hubo **más de 4.000 personas** realizando prestaciones simultáneamente⁸³. En la zona de Kogo, que tenía sólo 2.500 habitantes, hubo graves problemas: se tenía que desbrozar el terreno para la nueva ciudad y se tenían que preparar las carreteras que debían unir este enclave con Evinayong y con Río Benito. Sólo en el tramo Bitika-Akalayong llegaron a trabajar 600 personas a la vez⁸⁴. Y en la zona de Asobla, en un momento determinado, había más de 400 lugareños sirviendo a la administración como cargadores⁸⁵. Se tuvo que movilizar a todos los hombres disponibles y, como nadie se preocupaba de las fincas, empezaron a faltar los alimentos⁸⁶. En este caso se había previsto pagar a los habitantes de la zona en metálico, pero por problemas burocráticos no se pudo desbloquear el presupuesto, y la gente se pasó tres meses trabajando, sin recibir a cambio comida ni dinero⁸⁷. El subgobernador de Elobey, el tiránico Tovar de Revilla, no tuvo compasión y anunció estar dispuesto a hacer trabajar a los "balengues, bicos y bujebas". Encargó el secuestro de mano de obra al cabo Antoni Fullana. Como éste no pudo reunir bastantes hombres, Tovar tuvo que recurrir a gente tomada en la zona de influencia de los lejanos destacamentos de Nzork y Asok⁸⁸. Y esto, a pesar de que en la zona de Nzork se estaba movilizando a muchos trabajadores para limpiar el sendero Nzork-Alum-Akonibe⁸⁹.

Las prestaciones continuaron a todo ritmo durante algunos años. Tras terminar el trazado de los principales caminos, se empezó a convertirlos en carreteras⁹⁰. La Dirección General de Marruecos y Colonias se sentía muy satisfecha. En 1928, Núñez de Prado pidió a Jordana que se concediera la Cruz del Mérito Civil, con motivo de la construcción de las carreteras, al subgobernador de Bata, Loygorri, al ingeniero de Obras Públicas Rodríguez, al sobrestante de Obras Públicas Alcaide, a los oficiales Enrique Mené, Eugenio Touchard y Rafael Carrasco de Egaña y a su colaborador Adolfo García Amilivia (por aquel entonces administrador de Hacienda). Jordana logró que los condecoraran a todos y, además, al propio gobernador⁹¹. Pero a pesar de todos estos homenajes, pronto se hizo evidente que las obras públicas estaban en muy mal estado, porque no había sido realizada por expertos. Las nuevas carreteras, sometidas al

cargo)¹⁰⁹. El alférez Gálvez, que mandaba las tropas de la zona de Nzang, recibió un apercibimiento de Núñez de Prado en octubre de 1927; el gobernador se quejaba de la brutalidad de "los indígenas de la fuerza a sus órdenes" e indicaba que si bien las carreteras "son necesarias e imprescindibles [...] también es indispensable que la satisfacción y el bienestar reinen entre los indígenas, para lo cual procederá con ellos con gran tacto y justicia"¹¹⁰. Al sargento Sánchez Rico y al alférez Gálvez se les encargaba una misión imposible: si se querían carreteras, sin mucho presupuesto, se debía recurrir a los trabajos forzados y era imposible que hubiera "satisfacción y bienestar" entre los guineanos. Como no sobraban los voluntarios para las carreteras, Buiza dio orden a sus subordinados de sobornar a los jefes "tradicionales" para que fueran ellos los que les enviaran "voluntarios"; de esta forma la Guardia Colonial no tendría que involucrarse directamente en la captura de mano de obra para las prestaciones y se evitaba críticas de las autoridades políticas¹¹¹.

El subgobernador de Bata, Loygorri, en una entrevista concedida a Julio Arija, aseguraba que las autoridades coloniales se valían de "la persuasión" para encontrar trabajadores¹¹². Mentía: los fang no estaban dispuestos a trabajar gratis y la única forma de conseguir que hicieran carreteras, en estas condiciones, era recurrir a la violencia (como lo reconoció, en informes oficiales, el teniente Carrasco de Egaña)¹¹³. Los fang no aceptaron pasivamente esta situación: en diversas ocasiones los trabajadores se rebelaron contra los capataces blancos y los agredieron. Pero los jueces y las autoridades coloniales castigaban contundentemente estas acciones¹¹⁴. Algunos jefes de poblado se opusieron a las prestaciones y animaron a su gente a desertar, pero fueron detenidos¹¹⁵. En 1925, cuando un guardia colonial del destacamento de Ebibeyín buscaba gente para construir un puente sobre el río Ngoro, se encontró con la oposición de la población de *Mesaña Yemende*. El jefe de este núcleo le dijo que "en este pueblo no quiero ver guardia ninguno, y nosotros no trabajamos ni en los puentes ni en los caminos". Los lugareños desarmaron al áscari, lo golpearon, lo maniataron y lo enviaron de vuelta a su puesto. La Guardia Colonial mandó una expedición de castigo al lugar de los hechos; se detuvo a los responsables de la agresión y éstos fueron enviados a Fernando Poo, a trabajar en las plantaciones de cacao¹¹⁶.

Uno de los incidentes más graves sucedió en julio de 1927, en el pueblo Ngomongomo Esamvus, entre Evinayong y Abemelang. Una pareja de la Guardia Colonial fue a esta localidad a buscar hombres para la construcción de caminos (llegaron allí ya con 50 detenidos). El jefe del pueblo y 40 hombres se resistieron y mataron al áscari Ndong Alogo Okás. Cuando el cabo europeo al mando de la zona se enteró de los hechos, fue al pueblo y mató a dos hombres a cuchilladas

Annex 237

*News Article, “Ali Bongo in Equatorial Guinea for Bridge Inauguration”, Bongo Must Go
(4 August 2011)*

TRANSLATION

8/24/2021

Bongo Must Leave "Ali Bongo Ondimba in Equatorial Guinea for the Inauguration of a bridge" Print

- Bongo Must Leave - <http://www.bdpgabon.org> -

Ali Bongo Ondimba in Equatorial Guinea for the Inauguration of a Bridge

Posted by AGP on August 4, 2011, at 11:05 In Cooperation | [No Comments](#)

Gabonese president Ali Bongo Ondimba went to Equatorial Guinea on Thursday to inaugurate, together with his Equatoguinean counterpart Teodoro Obiang Nguema Mbasogo, the bridge over the Kye River, a natural boundary between the two countries.

This bridge not only enables a better flow of people and goods between the two countries who are co-organizing the 28th Africa Cup of Nations (CAN) soccer competition in 2012, but also with Cameroon, a country that also shares a good part of its boundary with Gabon and Equatorial Guinea.

Located in the region referred to as three boundaries, the bridge is considered to be a tool that should help to strengthen integration into the Economic and Monetary Community of Central Africa (CEMAC), the organization that groups together the three countries that border the Gulf of Guinea along with the Central African Republic, the Congo and Chad.

ON THE SAME SUBJECT

[image]

[One Million for Equatorial Guinea](#) ^[1]

One million dollars (775,000 euros): that is the sum that Equatorial Guinea players will share if they succeed in winning CAN 2012, which the country is co-organizing with Gabon. This generous idea came from the son of the President of the Republic, Teodoro Obiang Nguema. This is a good motivation for the Nzalang Nacional team, which is playing for the first time in the final round of CAN. But if they want to hit the jackpot, the Equatoguineans need to start by making it out of group A, which includes Senegal, Zambia and Libya.

[Read the article](#) ^[1]

[CAN Orange 2012/Last Inspection by CAF Before the Kickoff in Gabon and Equatorial Guinea](#) ^[2]

A delegation from the African Football Confederation (CAF) will make its last inspection visit December 13-17, 2011, in Equatorial Guinea and Gabon in order to make sure everything

www.bdpgabon.org/articles/2011/08/04/ali-bongo-ondimba-en-guinee-equatoriale-pour-l-inauguration-d-un-pont/print/ 1/5

WATER STREET TRANSLATIONS

TRANSLATION

8/24/2021

Bongo Must Leave "Ali Bongo Ondimba in Equatorial Guinea for the Inauguration of a bridge" Print

is ready to go for the kickoff of the competition in these two countries, which are co-organizing this continental event. That is why a delegation from COCAN Gabon met this Tuesday in Malabo in Equatorial Guinea to attend the "general" inspection by CAF alongside their Guinean counterparts. In fact, CAF will check on the functionality of the hotels, the presence of...

[Read the article](#) ^[2]

[CAN Orange 2012 – Equatorial Guinea: Head Coach Henri Michel Steps Down](#) ^[3]

According to a source at the Equatoguinean federation contacted by RFI, Henri Michel reportedly stepped down from his position as Equatorial Guinea's head coach on Wednesday, October 19, 2011. Although the information has not yet been made official, the decision was reportedly made during a meeting between the French trainer and Bonifacio Manga Obiang, the president of the federation, last Monday. For the moment, there are no further details on the reasons for this decision which is occurring three months from the opening of the Africa Cup of Nations 2012, co-organized by Equatorial Guinea and Gabon. For now, Henri Michel is reportedly still...

[Read the article](#) ^[3]

[Gabon: The Equatoguinean "Friendship" Bridge](#) ^[4]

President Ali Bongo flew on August 4 to Equatorial Guinea where he will co-preside with his counterpart Teodoro Obiang Nguema over the inauguration of a bridge connecting the two countries. At 104 meters in length, this bridge is part of the subregional integration policy. On the invitation of his counterpart Teodoro Obiang Nguema, President Ali Bongo went on August 4 to Equatorial Guinea, specifically to the boundary regions of Ebibeyin and Mongomo, to inaugurate a bridge connecting the two countries. "This invitation symbolizes the policy of good neighborliness between the two countries," stated the television...

[Read the article](#) ^[4]

[Equatorial Guinea COCAN expected in Libreville next July 27](#) ^[5]

The Africa Cup of Nations Organization Committee (COCAN) for Equatorial Guinea, led by its honorary president, is expected in Libreville next July 27 for a working visit in the context of meetings for developing and monitoring the progress of construction sites for the Africa Cup of Nations, which Gabon and Equatorial Guinea are co-organizing, from January 21 to February 12 of next year. The Equatorial Guinea COCAN delegation will stay in the Gabonese capital July 27-29. According to the program published by GABONEWS, they plan to visit...

[Read the article](#) ^[5]

[CAN 2012: A Common Visa to Enter Gabon and Equatorial Guinea](#) ^[6]

The organizers of the upcoming Africa Cup of Nations will implement a visa that gives access to their territories. Returning from Libya, where they took stock of preparations for the Africa Cup of Nations (CAN) 2012, the COCAN (Africa Cup of Nations Organization Committee) for Equatorial Guinea stopped over in Douala last Tuesday. In the economic capital of Cameroon, the Equatoguinean COCAN gave a conference where, among other things, it spoke about procedures for entry into Gabon and Equatorial Guinea, the two countries hosting the tournament. "We are open to everyone..."

www.bdp.gabon.org/articles/2011/08/04/ali-bongo-ondimba-en-guinee-equatoriale-pour-l'inauguration-d'un-pont/print/ 2/5

WATER STREET TRANSLATIONS

TRANSLATION

8/24/2021

Bongo Must Leave "Ali Bongo Ondimba in Equatorial Guinea for the Inauguration of a bridge" Print

[Read the article](#) ^[6][Equatorial Guinea: Equatorial Guinea Strengthens Internal Security After the Attack of February 17](#) ^[7]

The Equatoguinean president, Teodoro Obiang Nguema Mbazogo, decided on Sunday to strengthen the capacity of the army one week after the attack perpetrated on the presidential palace of the capital Malabo by presumed Nigerian rebels from the Movement for the Emancipation of the Niger Delta (MEND) who came by sea while the president was away on a trip to Bata. The head of state said at the Malabo Stadium (in the capital) during a demonstration of "condemnation and support" for his regime gathering together about 2000 people, like other cities in the country. The head of state of Equatorial Guinea...

[Read the article](#) ^[7][Equatorial Guinea: Cooperation Agreement Between Malabo and Paris to Fight Undocumented](#)[Immigration](#) ^[8]

Malabo intends to create a special police unit to fight clandestine immigration to Equatorial Guinea with the support of Paris, we learned this Monday at the end of a visit last weekend by a delegation from the French Immigration Ministry. The agreement signed by the two parties provides that France will provide logistical support for border control as well as technical and legal assistance. Malabo's determination to control the phenomenon of immigration and these measures occur following the incessantly increasing number of clandestine immigrants in the country. The phenomenon appeared in Equatorial Guinea...

[Read the article](#) ^[8][Gabon-Equatorial Guinea – Boundaries](#) ^[9]

Gabon and Equatorial Guinea can confirm that they have made substantial progress in preparation for the submission of their boundary dispute to the United Nations International Court of Justice (ICJ) for arbitration. In a joint communiqué issued on Tuesday after two days of meetings in Geneva, the representatives of the two neighboring countries declared that they had worked on key documents for a future joint submission to the ICJ. The Court can then rule on the boundary dispute between the two countries. The maritime dispute between Equatorial Guinea and Gabon erupted in 2003. It relates to an island...

[Read the article](#) ^[9][Gabon-Equatorial Guinea Boundary Dispute: Nicolas Michel at the Presidential Palace](#) ^[10]

The deputy secretary-general of the United Nations went to the president of the Republic, Omar Bongo Ondimba, to review the progress of the case on the dispute between Gabon and Equatorial Guinea. The deputy secretary-general and legal counsel of the United Nations, Nicolas Michel, was received yesterday at the palace of the presidency of the Republic by the head of state, Omar Bongo Ondimba, with whom he reviewed the overall international political situation. The UN diplomat, when leaving the meeting, expressed the gratitude of the United Nations...

[Read the article](#) ^[10]

One Million for Equatorial Guinea

TRANSLATION

8/24/2021 Bongo Must Leave "Ali Bongo Ondimba in Equatorial Guinea for the Inauguration of a bridge" Print

CAN Orange 2012/Last Inspection by CAF Before the Kickoff in Gabon and Equatorial Guinea

CAN Orange 2012 – Equatorial Guinea: Head Coach Henri Michel Steps Down

Gabon: The Equatoguinean "Friendship" Bridge

Equatorial Guinea COCAN expected in Libreville next July 27

CAN 2012: A Common Visa to Enter Gabon and Equatorial Guinea

Equatorial Guinea: Equatorial Guinea Strengthens Internal Security After the Attack of February 17

Equatorial Guinea: Cooperation Agreement Between Malabo and Paris to Fight Undocumented Immigration

Gabon-Equatorial Guinea – Boundaries

Gabon-Equatorial Guinea Boundary Dispute: Nicolas Michel at the Presidential Palace

Article printed from Bongo Must Leave: <http://www.bdpgabon.org>

URL to article: <http://www.bdpgabon.org/articles/2011/08/04/ali-bongo-ondimba-enguinee-equatoriale-pour-l%e2%80%99inauguration-d%e2%80%99un-pont/>

URLs in this post:

[1] Le million pour la Guinée Equatoriale [One Million for Equatorial Guinea]:

<http://www.bdpgabon.org/articles/2012/01/19/le-million-pour-la-guinee-equatoriale/>

[2] CAN Orange 2012 / Dernière visite d'inspection de la CAF avant le coup d'envoi au Gabon et en

Guinée Equatoriale [CAN Orange 2012/Last Inspection by CAF Before the Kickoff in Gabon and

Equatorial Guinea]: <http://www.bdpgabon.org/articles/2011/12/13/can-orange-2012-derniere-visite-d%e2%80%99inspection-de-la-caf-avant-le-coup-d%e2%80%99envoi-au-gabon-et-en-guinee-equatoriale/>

[3] CAN Orange 2012-Guinée équatoriale : Démission du sélectionneur Henri Michel [CAN Orange 2012 – Equatorial Guinea: Head Coach Henri Michel Steps Down]:

<http://www.bdpgabon.org/articles/2011/10/20/can-orange-2012-guinee-equatoriale-demission-du-selectionneur-henri-michel/>

[4] Gabon : Le pont de l'«amitié» équato-gabonaise [Gabon: The Equatoguinean "Friendship" Bridge]:

<http://www.bdpgabon.org/articles/2011/08/04/gabon-le-pont-del%e2%80%99c2%abamitie%c2%bb-equato-gabonaise/>

[5] Le COCAN Guinée Equatoriale attendu à Libreville le 27 juillet prochain [Equatorial Guinea COCAN expected in Libreville next July 27]:

<http://www.bdpgabon.org/articles/2011/07/22/le-cocan-guinee-equatoriale-attendu-a-libreville-le-27-juliet-prochain/>

[6] Can 2012 : Un visa commun pour entrer au Gabon et en Guinée Equatoriale [CAN 2012: A Common Visa to Enter Gabon and Equatorial Guinea]:

<http://www.bdpgabon.org/articles/2010/10/20/can-2012-un-visa-commun-pourentrer-au-gabon-et-enguinee-equatoriale/>

[7] Guinée Equatoriale: La Guinée Equatoriale renforce la sécurité intérieure après l'attaque du 17 février dernier [Equatorial Guinea: Equatorial Guinea Strengthens Internal Security After the Attack of February

17]: <http://www.bdpgabon.org/articles/2009/02/23/guinee-equatoriale-laguinee-equatoriale-renforce-la-securite-interieure-apres-lattaque-du-17-fevrier-dernier/>

[8] Guinée Equatoriale: Accord de coopération entre Malabo et Paris pour la lutte contre l'immigration irrégulière [Equatorial Guinea: Cooperation Agreement Between Malabo and Paris to Fight

Undocumented Immigration]: <http://www.bdpgabon.org/articles/2009/02/23/guinee-equatoriale-accord-de-cooperation-entre-malabo-et-paris-pour-la-lutte-contre-immigration-irreguliere/>

www.bdpgabon.org/articles/2011/08/04/ali-bongo-ondimba-en-guinee-equatoriale-pour-l%e2%80%99inauguration-d%e2%80%99un-pont/print/ 4/5

WATER STREET TRANSLATIONS

TRANSLATION

8/24/2021 Bongo Must Leave "Ali Bongo Ondimba in Equatorial Guinea for the Inauguration of a bridge" Print

[9] Gabon-Guinée Equatoriale- frontières [Gabon-Equatorial Guinea – Boundaries]:

<http://www.bdpgabon.org/articles/2008/07/22/gabon-guinee-equatoriale-frontieres/>

[10] Différend frontalier Gabon – Guinée équatoriale: Nicolas Michel au palais présidentiel [Gabon-

Equatorial Guinea Boundary Dispute: Nicolas Michel at the Presidential Palace]:

<http://www.bdpgabon.org/articles/2008/04/15/differend-frontalier-gabon-guineeequatoriale-nicolas-michel-au-palais-presidentiel/>

Copyright © 2008 Bongo Must Leave. All Rights Reserved.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Christine Clay, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/03/21

Date



8/24/2021

Bongo Doit Partir » Ali Bongo Ondimba en Guinée-Equatoriale pour l'inauguration d'un pont » Print

- **Bongo Doit Partir** - <http://www.bdpgabon.org> -

Ali Bongo Ondimba en Guinée-Equatoriale pour l'inauguration d'un pont

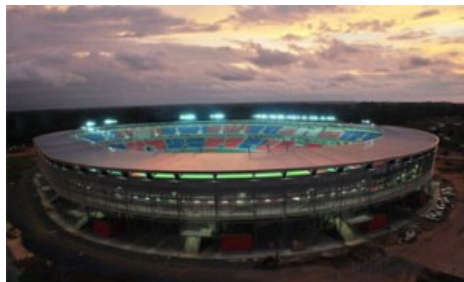
Posted By *AGP* On 4 Août 2011 @ 11:05 In *Coopération* | [No Comments](#)

Le président gabonais Ali Bongo Ondimba s'est rendu jeudi en Guinée-Equatoriale pour inaugurer, avec son homologue Equato-guinéen Teodoro Obiang Nguema Mbasogo, le pont sur la rivière Kyé, frontière naturelle entre les deux pays.

Ce pont doit non seulement permettre une meilleure fluidité des personnes et des biens entre les deux pays co-organisateurs de la 28ème Coupe d'Afrique des nations (CAN) de football en 2012, mais également avec le Cameroun, un pays qui partage aussi une bonne partie de sa frontière avec le Gabon et la Guinée-Equatoriale.

Situé dans la région dite des trois frontières, l'ouvrage est considéré comme un outil devant contribuer au renforcement de l'intégration dans la Communauté économique et monétaire de l'Afrique centrale (CEMAC), organisation regroupant outre les trois pays frontaliers du golfe de Guinée, la Centrafrique, le Congo et le Tchad.

SUR LE MÊME SUJET



[Le million pour la Guinée Equatoriale](#) ^[1]

Un million de dollars (775 000 euros), c'est la somme que se partageront les joueurs de la Guinée Equatoriale s'ils parviennent à remporter la CAN 2012 que le pays co-organise avec le Gabon. A l'origine de cette généreuse idée, le fils du Président de la République, Téodoro Obiang Nguema. Pour sa première participation à une phase finale de CAN, le Nzalanga National trouve là une belle source de motivation. Mais pour espérer décrocher le gros lot, les équato-guinéens devront commencer par s'extirper d'un groupe A qui compte, le Sénégal, la Zambie et la Libye.

[Lire l'article](#) ^[1]

[CAN Orange 2012 / Dernière visite d'inspection de la CAF avant le coup d'envoi au Gabon et en Guinée Equatoriale](#) ^[2]

Une délégation de la Confédération africaine de football (CAF) effectuera une dernière visite d'inspection du 13 au 17 décembre 2011 en Guinée Equatoriale et au Gabon afin de vérifier si tout

8/24/2021

Bongo Doit Partir » Ali Bongo Ondimba en Guinée-Equatoriale pour l'inauguration d'un pont » Print

est fin prêt pour le coup d'envoi de la compétition dans ces deux pays coorganisateurs de cet évènement continental. C'est dans ce cadre qu'une délégation du COCAN Gabon se rend ce mardi à Malabo en Guinée Equatoriale pour assister, aux côtés de leurs homologues de la Guinée, à l'inspection dite « générale » de la CAF. En effet, la CAF va vérifier la fonctionnalité des hôtels, la présence de ...

[Lire l'article](#) ^[2]

[CAN Orange 2012-Guinée équatoriale : Démission du sélectionneur Henri Michel](#) ^[3]

Selon une source au sein de la fédération équato-guinéenne contactée par RFI, Henri Michel aurait démissionné de son poste de sélectionneur de la Guinée équatoriale ce mercredi 19 octobre 2011. Si l'information n'a pas encore été officialisée, la décision aurait été prise lors d'une réunion entre l'entraîneur français et Bonifacio Manga Obiang, le président de la fédération, lundi dernier. Il n'y a, pour l'instant, pas plus de précisions sur les raisons de ce choix qui intervient à trois mois de l'ouverture de la Coupe d'Afrique des nations 2012, co-organisée par la Guinée équatoriale et le Gabon. Pour le moment, Henri Michel serait toujours ...

[Lire l'article](#) ^[3]

[Gabon : Le pont de l'«amitié» équato-gabonaise](#) ^[4]

Le président Ali Bongo s'est envolé ce 4 août pour la Guinée Equatoriale, où il va co-présider avec son homologue Teodoro Obiang Nguéma, l'inauguration d'un pont reliant les deux pays. Long de 104 mètres, cette infrastructure s'inscrit dans le cadre de la politique d'intégration sous-régionale. Sur invitation de son homologue Teodoro Obiang Nguéma, le président Ali Bongo s'est rendu ce 4 août en Guinée Equatoriale, plus précisément dans les régions frontalières d'Ebibeyin et Mongomo, pour procéder à l'inauguration d'un pont reliant les deux pays. «Cette invitation symbolise la politique de bon voisinage entre les deux pays», a indiqué la télévision ...

[Lire l'article](#) ^[4]

[Le COCAN Guinée Equatoriale attendu à Libreville le 27 juillet prochain](#) ^[5]

Le Comité d'organisation de la Coupe d'Afrique des Nations (COCAN) Guinée Equatoriale conduit par son Président d'honneur est attendu à Libreville le 27 juillet prochain pour une visite de travail qui entre dans le cadre des rencontres de mises au point et de suivi des avancées des chantiers de la Coupe d'Afrique des Nations que le Gabon et la Guinée Equatoriale co-organiseront du 21 janvier au 12 février prochains. La délégation du COCAN Guinée Equatoriale séjournera ainsi dans la capitale gabonaise du 27 au 29 juillet prochain. Selon le programme parvenu à la rédaction de GABONEWS, il est prévu une visite du ...

[Lire l'article](#) ^[5]

[Can 2012 : Un visa commun pour entrer au Gabon et en Guinée Equatoriale](#) ^[6]

Les co-organisateurs de la prochaine Coupe d'Afrique des nations mettront en place un visa donnant accès à leurs territoires. De retour de la Libye, où ils ont fait le point sur l'état des préparatifs de la Coupe d'Afrique des nations (Can) 2012, le Cocan (Comité d'organisation de la Coupe d'Afrique des nations) pour la Guinée Equatoriale, a fait escale à Douala mardi dernier. Dans la capitale économique camerounaise, le Cocan équato-guinéen a donné une conférence, dans laquelle il a entre autres, parlé des procédures d'entrée au Gabon et en Guinée Equatoriale, les deux pays d'accueil du tournoi. «Nous sommes ouverts à tous ...

www.bdpgabon.org/articles/2011/08/04/ali-bongo-ondimba-en-guinee-equatoriale-pour-l-inauguration-d-un-pont/print/

2/5

8/24/2021

Bongo Doit Partir » Ali Bongo Ondimba en Guinée-Equatoriale pour l'inauguration d'un pont » Print

[Lire l'article](#) ^[6][Guinée Equatoriale: La Guinée Equatoriale renforce la sécurité intérieure après l'attaque du 17 février dernier](#) ^[7]

Le président équato-guinéen, Tédoro Obiang Nguema Mbazogo a décidé dimanche de renforcer les capacités de l'armée, une semaine après l'attentat perpétré contre le palais présidentiel de Malabo la capitale par des présumés rebelles nigériens du Mouvement pour l'Emancipation du Delta du Niger (MEND) venus de la mer et en l'absence du Président en déplacement à Bata. Le chef de l'Etat s'exprimait au stade de Malabo (la capitale) au cours d'une manifestation de « condamnation et de soutien » à son régime réunissant environ 2 mille personnes, à l'instar des autres villes du pays. Le Numéro un de la Guinée Equatoriale a ...

[Lire l'article](#) ^[7][Guinée Equatoriale: Accord de coopération entre Malabo et Paris pour la lutte contre l'immigration irrégulière](#) ^[8]

Malabo envisage la création d'une unité spéciale de police pour lutter contre l'immigration clandestine en Guinée Equatoriale avec le soutien de Paris, a-t-on appris ce lundi au terme du séjour effectué le weekend écoulé d'une délégation du ministère français de l'Immigration. L'Accord paraphé par les deux parties prévoit que la France apporte un appui logistique dans le contrôle des frontières ainsi que l'assistance technique et juridique. Cette détermination de Malabo à contrôler le phénomène de l'immigration et la prise de mesures interviennent à la suite de l'accroissement incessant du nombre d'immigrés clandestins dans le pays. Le phénomène s'est déclaré en Guinée Equatoriale ...

[Lire l'article](#) ^[8][Gabon-Guinée Equatoriale- frontières](#) ^[9]

La Guinée équatoriale et le Gabon ont affirmé avoir fait des progrès substantiels, en vue de la soumission de leur différend frontalier, à l'arbitrage de la Cour internationale de Justice (CIJ) des Nations Unies. Dans un communiqué conjoint diffusé mardi à l'issue de deux jours de réunions à Genève, les représentants des deux pays voisins ont déclaré avoir travaillé sur des documents clés, pour une éventuelle soumission conjointe à la CIJ. Celle-ci pourrait ensuite se prononcer sur le différend frontalier entre ces deux pays. Le différend maritime entre la Guinée équatoriale et le Gabon, a éclaté en 2003. Il porte sur une île ...

[Lire l'article](#) ^[9][Différend frontalier Gabon – Guinée équatoriale: Nicolas Michel au palais présidentiel](#) ^[10]

Le secrétaire général adjoint des Nations unies est allé faire au président de la République, Omar Bongo Ondimba, le point de l'avancement du dossier sur le différend qui oppose le Gabon et la Guinée Equatoriale. LE secrétaire général adjoint et conseiller juridique de l'Organisation des Nations unies, Nicolas Michel, a été reçu hier en audience, au palais de la présidence de la République par le chef de l'Etat, Omar Bongo Ondimba avec qui il a fait le tour d'horizon de la situation politique internationale. Le diplomate onusien n'a pas manqué de manifester, au sortir de l'audience, la reconnaissance des Nations unies ...

[Lire l'article](#) ^[10]

Le million pour la Guinée Equatoriale

8/24/2021

Bongo Doit Partir » Ali Bongo Ondimba en Guinée-Equatoriale pour l'inauguration d'un pont » Print

CAN Orange 2012 / Dernière visite d'inspection de la CAF avant le coup d'envoi au Gabon et en Guinée Equatoriale

CAN Orange 2012-Guinée équatoriale : Démission du sélectionneur Henri Michel

Gabon : Le pont de l'«amitié» équato-gabonaise

Le COCAN Guinée Equatoriale attendu à Libreville le 27 juillet prochain

Can 2012 : Un visa commun pour entrer au Gabon et en Guinée Equatoriale

Guinée Equatoriale: La Guinée Equatoriale renforce la sécurité intérieure après l'attaque du 17 février dernier

Guinée Equatoriale: Accord de coopération entre Malabo et Paris pour la lutte contre l'immigration irrégulière

Gabon-Guinée Equatoriale- frontières

Différend frontalier Gabon – Guinée équatoriale: Nicolas Michel au palais présidentiel

Article printed from Bongo Doit Partir: <http://www.bdpgabon.org>

URL to article: <http://www.bdpgabon.org/articles/2011/08/04/ali-bongo-ondimba-en-guinee-equatoriale-pour-l%e2%80%99inauguration-d%e2%80%99un-pont/>

URLs in this post:

[1] Le million pour la Guinée Equatoriale:

<http://www.bdpgabon.org/articles/2012/01/19/le-million-pour-la-guinee-equatoriale/>

[2] CAN Orange 2012 / Dernière visite d'inspection de la CAF avant le coup d'envoi au Gabon et en Guinée Equatoriale: <http://www.bdpgabon.org/articles/2011/12/13/can-orange-2012-derniere-visite-d%e2%80%99inspection-de-la-caf-avant-le-coup-d%e2%80%99envoi-au-gabon-et-en-guinee-equatoriale/>

[3] CAN Orange 2012-Guinée équatoriale : Démission du sélectionneur Henri Michel:

<http://www.bdpgabon.org/articles/2011/10/20/can-orange-2012-guinee-equatoriale-demission-du-selectionneur-henri-michel/>

[4] Gabon : Le pont de l'«amitié» équato-gabonaise:

<http://www.bdpgabon.org/articles/2011/08/04/gabon-le-pont-de-l%e2%80%99%e2%80%99c2%abamitie%e2%80%99bb-equato-gabonaise/>

[5] Le COCAN Guinée Equatoriale attendu à Libreville le 27 juillet prochain:

<http://www.bdpgabon.org/articles/2011/07/22/le-cocan-guinee-equatoriale-attendu-a-libreville-le-27-juliet-prochain/>

[6] Can 2012 : Un visa commun pour entrer au Gabon et en Guinée Equatoriale:

<http://www.bdpgabon.org/articles/2010/10/20/can-2012-un-visa-commun-pour-entrer-au-gabon-et-en-guinee-equatoriale/>

[7] Guinée Equatoriale: La Guinée Equatoriale renforce la sécurité intérieure après l'attaque du 17 février dernier: <http://www.bdpgabon.org/articles/2009/02/23/guinee-equatoriale-la-guinee-equatoriale-renforce-la-securite-interieure-apres-lattaque-du-17-fevrier-dernier/>

[8] Guinée Equatoriale: Accord de coopération entre Malabo et Paris pour la lutte contre l'immigration irrégulière: <http://www.bdpgabon.org/articles/2009/02/23/guinee-equatoriale-accord-de-cooperation-entre-malabo-et-paris-pour-la-lutte-contre-limmigration-irreguliere/>

[9] Gabon-Guinée Equatoriale- frontières:

<http://www.bdpgabon.org/articles/2008/07/22/gabon-guinee-equatoriale-frontieres/>

[10] Différend frontalier Gabon – Guinée équatoriale: Nicolas Michel au palais présidentiel:

<http://www.bdpgabon.org/articles/2008/04/15/differend-frontalier-gabon-guinee-equatoriale-nicolas-michel-au-palais-presidentiel/>

www.bdpgabon.org/articles/2011/08/04/ali-bongo-ondimba-en-guinee-equatoriale-pour-l-inauguration-d-un-pont/print/

4/5

8/24/2021

Bongo Doit Partir » Ali Bongo Ondimba en Guinée-Equatoriale pour l'inauguration d'un pont » Print
Copyright © 2008 Bongo Doit Partir. Tous Droits Réservés.

Annex 238

News Article, “Inauguration of Two Bridges”, Office of Press and Information of the Republic of Equatorial Guinea (6 August 2011)

TRANSLATION

Two bridges inaugurated by Equatorial Guinea and Gabon

guineaequatorialpress.com/noticias/inaugurados dos puentes entre Guinea Ecuatorial y Gabón

[THUMBNAIL:
[SEAL:
UNITY PEACE JUSTICE]
image not available]

Equatorial Guinea President Obiang Nguema Mbasogo and Gabon President Ali Bongo inaugurated two new bridges in the Equatorial Guinean cities of Mongomo and Ebebiyin. These two infrastructure projects, financed by both Equatorial Guinea and Gabon, have brought the countries even closer together and have integrated them with each other in the region.

Equatorial Guinea and Gabon have taken an important step in their regional integration. This time, the idea of building bridges of friendship between two countries is not just a metaphor, but instead, reality. Two new bridges, which bring Equatorial Guinea and Gabon even closer together, were inaugurated in both President Obiang's hometown of Mongomo and in Ebebiyin. Gabonese President Ali Bongo attended the ceremony.

Let us remember that these two Central African countries are coordinating the African Cup of Nations (CAN), an African soccer competition, which will be held at the start of 2012.

President Obiang said that these bridges serve as a testimony to the good relations between the two countries. Baltasar Engonga Edjo, the Minister of State for Regional Integration,

TRANSLATION

described the inauguration ceremony as an important step forward in the regional integration of both countries. Engonga Edjo referred to the city of Ebebiyin as the city of integration.

The President of Gabon pointed out that both countries share a common past and are being called upon to share many more things. He also said that in a few months, both countries will share in organizing the Africa Cup.

Equatorial Guinea Press and Information Office.



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Paul Mielke, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', positioned above a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/26/21

Date



Inaugurados dos puentes entre Guinea Ecuatorial y Gabón


 guineaecuatorialpress.com/noticias/Inaugurados dos puentes entre Guinea Ecuatorial y Gabón



Imagen no disponible / image not available /
image non disponible / imagem não disponível

El Presidente de Guinea Ecuatorial, S. E. Obiang Nguema Mbasogo y el de Gabón, S. E. Ali Bongo, han inaugurado dos nuevos puentes en las ciudades ecuatoguineanas de Mongomo y Ebebiyin. Estas dos obras de infraestructuras, financiadas por ambos países, los acerca aún más y los integra en la región.

Guinea Ecuatorial y Gabón han dado un paso importante en su integración regional. Esta vez, aquello de tender puentes de amistad entre dos países, no se queda en la pura metáfora, sino que son reales. Dos nuevos puentes -que acercan aún más a Guinea Ecuatorial y Gabón- se han inaugurado en la ciudad nativa del Presidente Obiang, Mongomo y en Ebebiyin. En la ceremonia estuvo presente el presidente gabonés, Ali Bongo.

Recordemos que estos dos países del África Central están trabajando en la organización de la Copa Africana de Naciones (CAN), la competición por excelencia del fútbol africano, que se disputará a principios de 2012.

El Presidente Obiang ha afirmado que estos puentes constituyen el testimonio de las buenas relaciones existentes entre los dos países. Por su parte, la ceremonia de inauguración ha sido calificada por el Ministro de la Presidencia del Gobierno Encargado de la Integración

Regional, Baltasar Engonga Edjo, como un paso adelante en la integración regional de ambos países. Engonga Edjo se refirió a la ciudad de Ebebiyin como la ciudad de la integración.

El Presidente de Gabón ha recordado que ambos países comparten un pasado común y están llamados a compartir muchas más cosas; también se refirió al hecho de que, en unos meses, ambos países compartirán la organización de la Copa de África.

Oficina de Información y Prensa de Guinea Ecuatorial.

Annex 239

News Article, “Inauguration of the Friendship Bridges Between Gabon and Equatorial Guinea”,
La Lettre d’Information, Official Bulletin of the Presidency of the Gabonese Republic No. 3
(August 2011)

TRANSLATION

GABONESE REPUBLIC
PRESIDENCY

[emblem]

Newsletter

Official news bulletin of the Presidency of the Republic
Number 003 – August 2011

GABON:
An Open-Air Construction Site
SPECIAL REPORT

WATER STREET TRANSLATIONS

TRANSLATION

THE PRESIDENT'S TRAVELS

Inauguration of friendship bridges between Gabon and Equatorial Guinea

THE PRESIDENT OF THE GABONESE REPUBLIC,

Ali Bongo Ondimba, and his Equatoguinean counterpart, Teodoro Obiang Nguema Mbasogo, just gave a new impetus to the subregional integration policy by inaugurating two bridges in Ebebiyin and Mongomo, at the boundaries of the two countries, on Thursday, August 4.

In Ebebiyin, the populations on either side of the Kye River celebrated with undeniable enthusiasm the opening of this transportation route strengthening ties between Gabon and Equatorial Guinea. This is a new approach of multi-faceted exchanges, especially in the economic domain, which corresponds to the content of the speeches given by the two heads of state.

In the speech he made on this occasion,

President Ali Bongo Ondimba emphasized that this roadway infrastructure originated from the signing of the interstate agreement in 2007 by President Omar Bongo Ondimba and his Equatoguinean counterpart. The intention was to concretely improve the circulation of people and goods in central Africa, and especially between the two neighboring countries.

For Ali Bongo Ondimba, the road is a symbol of movement, a communication vector and a way of bringing the peoples together, which promotes intercommunity human and economic exchanges. The Gabonese head of state also indicated that the construction of the bridges at the boundaries between the two countries is part of the consensus-based master transportation plan in central Africa, the main purpose of which is to give the subregion

an integrated road network. These works are the result of a long process of creating infrastructure for the development and improvement of the common boundary, which should, according to the Gabonese head of state, be apparent once again next January when the two countries organize the Africa Cup of Nations soccer competition (CAN 2012).

According to the president of the CEMAC [Economic and Monetary Community of Central Africa] Commission, this colossal investment, estimated to be CFA 2,313,319,672 francs heightens the visibility of relations between sub-regional states in preparation for achieving the Millennium Development Goals (MDG).



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Christine Clay, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

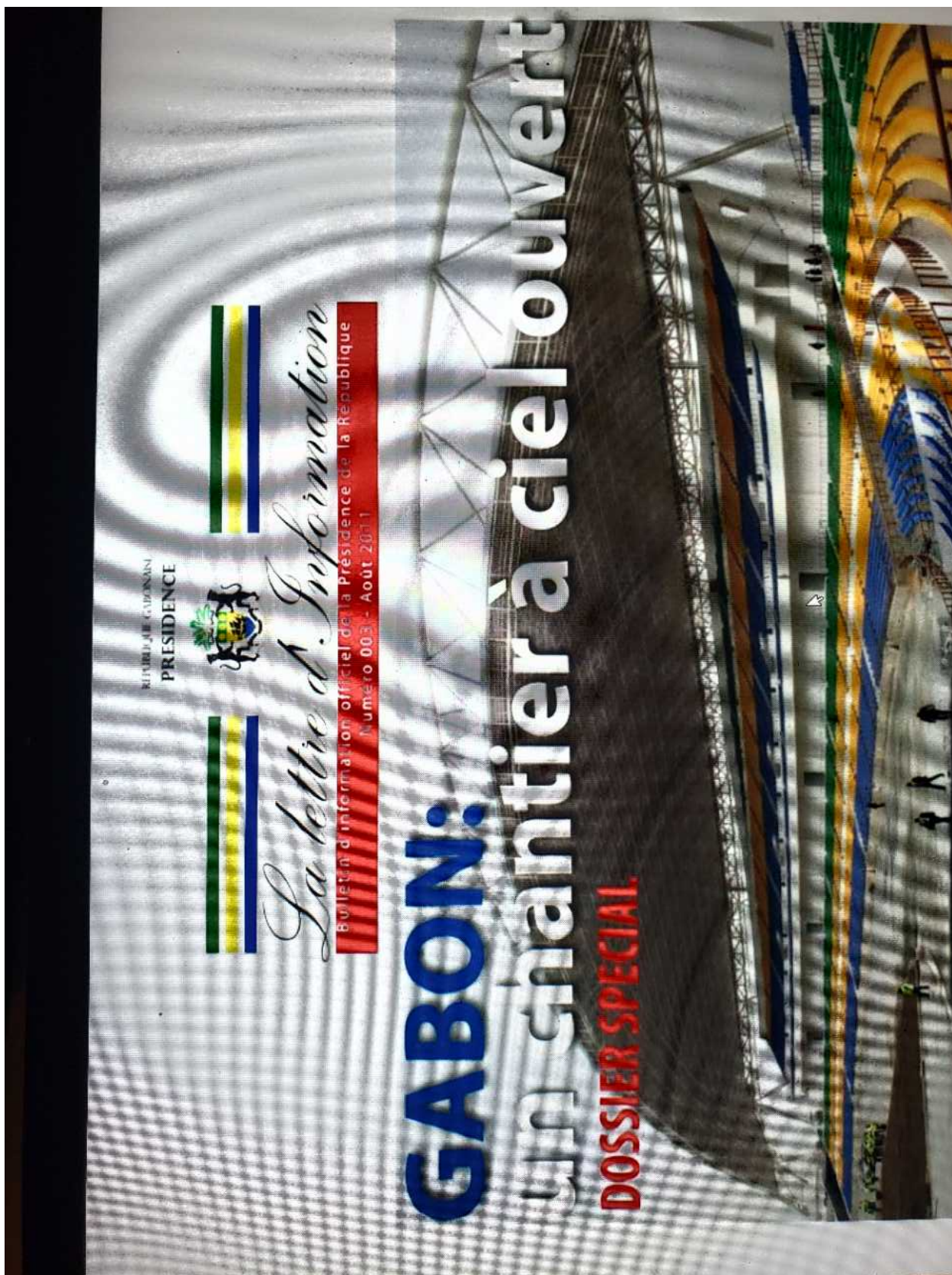
"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/03/21

Date





DEPLACEMENTS DU PRÉSIDENT

Inauguration des ponts de l'amitié entre le Gabon et la Guinée Equatoriale

LE PRÉSIDENT DE LA RÉPUBLIQUE gabonaise, Ali Bongo Ondimba, et son homologue équato-guinéen, Teodoro Obiang Nguema Mbasogo, viennent de donner une nouvelle impulsion à la politique d'intégration sous-régionale en procédant à l'inauguration de deux ponts à Ebebiyin et à Mongomo, aux frontières des deux pays, le jeudi 4 août.

A Ebebiyin, dans une ferveur indéniable, les populations, de part et d'autre du fleuve Kyé, ont célébré l'avènement de cette voie de communication raffermissant les liens entre le Gabon et la Guinée Equatoriale. Une nouvelle approche des échanges multiformes, et surtout dans le domaine économique, qui coïncide avec le contenu des allocutions prononcées par les deux Chefs d'Etat.

Dans son allocution de circonstance,

le Président Ali Bongo Ondimba a souligné que ces infrastructures routières sont nées de la signature du protocole inter-Etats en 2007 par le président Omar Bongo Ondimba et son homologue équato-guinéen. Le souhait étant d'améliorer concrètement la circulation des biens et des personnes en Afrique centrale et surtout entre les deux pays voisins.

Pour Ali Bongo Ondimba, la route est un symbole du mouvement, un vecteur de communication et un élément de brassage des populations, qui favorise les échanges humains et économiques intercommunautaires. Le Chef de l'Etat gabonais a également signifié que la construction des ponts aux frontières entre les deux pays s'inscrit dans le cadre du plan direct consensuel de transport en Afrique centrale dont le principal but est de doter la sous-région d'un réseau

routier intégrateur. Ces ouvrages sont le résultat d'un long processus de réalisation d'infrastructures de développement et d'aménagement de la frontière commune qui devra, selon le numéro un gabonais, être manifeste, une fois de plus, en janvier prochain, lors de l'organisation par les deux pays de la Coupe d'Afrique des Nations de football (CAN 2012).

Cet investissement colossal, estimé à 2 313 319 672 francs CFA, permet, d'après le président de la Commission de la CEMAC, de renforcer la visibilité des rapports des Etats sous-régionaux en vue d'atteindre les Objectifs du Millénaire pour le Développement (OMD). ●



Annex 240

News Article, Ali Bongo Ondimba: “Not Everyone Has Understood that Gabon has Changed”,
Jeune Afrique (6 September 2011)

TRANSLATION

February 26, 2002, Research.

D 471 File 6.

Only Coco Beach Administrator refugee stays in Kogo.

D472. File 5.

News article from the Arab newspaper Istiglal
Rabat, November 24, 1972.

Press clippings and news articles related to the conflict between Guinea and Gabon

“Jeune Afrique,” Tunisian weekly newspaper, September 30, 1972.

On September 8, President Bongo sent a message to the UN Secretary General stating that fisher camps set up in the uninhabited islets of Mbanie, in Gabonese territory, had been attacked during the previous months by armed forces of Equatorial Guinea.

On September 12, the Government of Equatorial Guinea turned to the Security Council to evacuate Gabonese forces from the territorial waters of Equatorial Guinea and, in particular, from the adjacent island of the province of Muni River.

Le Monde Newspaper, Paris, September 12, 1972.

Republic of Equatorial Guinea - General Information -

GABON: Relations with Equatorial Guinea Deteriorated.

Relations between Gabon and Equatorial Guinea have recently deteriorated up to the point that Libreville fears border incidents between the two countries caused by the Government of Equatorial Guinea.

In a message sent on Friday, September 8, the UN Secretary General, Mr. Albert Bernard Bongo, President of the Gabonese Republic, stated, among other things, that in recent months, fisher camps set up on the uninhabited islets of Mbania, within Gabonese territory, have been attacked by armed forces of Equatorial Guinea.”

During an interview that took place on Sunday, Mr. Bongo essentially declared that despite the good will expressed by Gabon regarding its relations with its neighbor, Equatorial Guinea had caused an incident while negotiations were conducted for the delimitation of maritime boundaries

C:\WINDOWS\TEMP\GUINEA2.WPD
4/19/02 1:46 PM

TRANSLATION

between the two countries. The Gabonese President stated that conciliation attempts had always stumbled with the refusal of President Macias Nguema, of Equatorial Guinea.

“So I considered that I had to guarantee the safety of my people and I decided to set up a Gendarmerie station on Gabonese islets,” said President Bongo, who pointed out that he had received protests from the Government of Equatorial Guinea, expressed in a not very friendly manner and answering untrue statements.”

When he found out that his neighbors “were going to start border incidents,” President Bongo then informed the United Nations “of this tense situation.”

(In fact, incidents have already occurred, if we believe certain information stating that there were machine gun shots against Gabonese fishermen who were throwing their nets along the island of Corisco. The same source states that this island was used as a training base by opponents of Gabon, Cameroon and Central Africa who had been granted asylum by Mr. Macias Nguema).

“El Comercio de Gijon,” September 13, 1972. Europa Press Chronicle. New York, by Ivor Key.

Tonight, no decision has been made about the meeting of the UN Security Council, to study Equatorial Guinea’s complaint due to the occupation of some of its islands by its neighbor Gabon. According to the Guinean Ambassador, Primo Esona Mica..., his country is in virtual state of war with Gabon, as a consequence of the country’s actions.

The dispute refers to some small islands located opposite the Gabon coast, which belong to Equatorial Guinea. Like the entire territory belonging to this country, these islands (Corisco, Elobey Grande and Elobey Chico) belonged to Spain until the country’s independence, proclaimed on October 12, 1968. Based on the statements made by Guinea, Gabon, following the unfortunate example of many other countries, decided to extend its territorial waters by 170 miles. Consequently, the aforementioned islands were included, according to said country, in their sovereign area, against all principles of international law accepted by the countries of the United Nations.

Guinea states that Gabonese forces disembarked in Corisco, which was defended only by a guard formed by four men, who were captured, tortured, and treated like animals. Gabon ships patrol the waters surrounding the islands and the only three Guinean Marine units, all very light, were sunk.

C:\WINDOWS\TEMP\GUINEA2.WPD
4/19/02 1:46 PM

TRANSLATION

The invasion of Guinean islands is not only contrary to the Charter of the United Nations, but also to the rules governing the OAU, of which both parties to the dispute are members. In fact, the Addis Ababa Declaration establishes that all member States of the OAU must accept the borders inherited by the colonization without generating conflict in relation to them.

The Guinean Minister of Public Works, Alfonso Oyono, stated:

They [sic] are not worried about the invasion because we are right. It legally belongs to us and this is an attack against our sovereignty.”

Then, he declared that he was unaware of what had happened to the four soldiers of the Republic of Equatorial Guinea and the twenty-four civilians who had been captured by Gabon. As far as the place where the conflict seems to be taking place, where the incidents occurred, the volcanic island of Embana, an islet used as a support base for Guinean fishermen, the Guinean Minister stated that in 1967, oil explorations had been carried out in the islet by different foreign companies from the USA and France.

News article from El Pueblo Newspaper. J. M. Carrascal. September 13, 1972.

Primo Jose Esono Mica, representative of Equatorial Guinea at the UN, informed the President of the Security Council of what he considers, “a clear act of aggression by the Republic of Gabon,” and asked the Council to intervene so that this country withdraws from Guinean waters. According to the document, last August 23, Gabon extended its territorial waters by 170 miles, invading the Guinean islands of Elobey Grande, Elobey Chico, Corisco and all the adjacent islands of Muni River. “Five guards and twenty-four Guinean civilians were arrested and tortured in Corisco, states the document, and for a week, the Gabonese Government left its ships in Muni’s estuary and sank the Guinean ships that link Kogo with Corisco.”

Arriba Newspaper article. September 14, 1972.

It refers to the invasion of the Guinean island of Mbane by forces of its neighbor Gabon:

Oyono’s statements: This is due to a special interest because there is oil in the invaded island.

He referred to the invasion occurred last August 22: the four soldiers and the twenty-four civilians who were present in the islet were arrested. The islet is used

C:\WINDOWS\TEMP\GUINEA2.WPD
4/19/02 1:46 PM

TRANSLATION

to rest by the fishermen who work near Corisco. I am unaware of what happened to those arrested. As regards the other two small islands near Mbane, they were sandbanks. Oil explorations in the invaded island had been carried out in 1967.

ABC, September 14, 1972. The Minister was unaware of what happened to the four soldiers of Equatorial Guinea forces and the twenty-four civilians who had been captured by Gabon. As far as the place where the conflict seems to be taking place, where the incidents occurred, the volcanic island of Embana, an islet used for support by Guinean fishermen, the Guinean Minister stated that in 1967, oil explorations had been carried out in the islet by different foreign companies from the USA and France.

On the other hand, the Guinean Embassy stated that not four but twenty-four Guinean citizens were held during the invasion of Mbane island, and that their whereabouts are unknown, as well as the whereabouts of the guards arrested during the action.

Jeune Afrique Newspaper, on October 21, 1972, referred to this matter in the information section. The border conflict will not be brought before the UN Security Council, as informed on October 4 by Macias to the UN Secretary General, Kurt Waldheim. On September 16 and 17, they met in Kinshasa to deal with the conflict. They undertook to solve their differences, waiving any use of force and stopping any kind of mutual attack in the press. And they decided to create a commission formed by the Governments of Congo, Zaire, Gabon and Equatorial Guinea, which will meet in Brazzaville.

C:\WINDOWS\TEMP\GUINEA2.WPD
4/19/02 1:46 PM

**WATER STREET TRANSLATIONS, LLC**

817 Broadway, 4th Floor
New York, NY 10003
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Natalia Misuraca, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the Certified Translators Association of Buenos Aires, Argentina (CTPBA).

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

06/23/21

Date



Investigacion dia 26 de Febrero de 2.002.

D 471 Expediente 6.

Solo el refugiado Administrador de Coco beach se refugia en Kogo.

D472. Expediente 5

Articulo del diario arabe del Istiglal
Rabat 24 de Noviembre de 1972.

Recortes de prensa y articulos de prensa relativos al conflicto
entre Guinea y Gabon

"Jeune Afrique" semanario tunecino de informacion, 30 de
septiembre de 1972.

El 8 de Septiembre, en efcto el Presidente Bongo dirigi'o al
Secretario General de la ONU un mensaje informandole que
Campamentos de pescadores instalados en los islotes no habitados
de Mbanie, en territorio gabones, han sido atacados en el curso
de los ultimos meses por fuerzas armdas procedentes de Guinea
Ecuatorial.

El 12 de Septiembre, le toca al gobierno ecuatoguineano recurrir
al Consejo de Seguridad para hacer evacuar las fuerzas del Gabon
de las aguas territoriales de Guinea Ecuatorial y , en
particular, de las islas adyacentes de la provincia de Rio Muni.

Diario Le Monde Paris, 12 de septiembre de 1972.

Republica de Guinea Ecuatorial-Informacion General-

GABON: se deterioran las relaciones con la Guinea Ecuatorial.

Las relaciones entre Gabon y Guinea Ecuatorial se han deteriorado
ultimamente hasta tal punto que se teme en Libreville que
estallen entre los dos paises incidentes fronterizos provocados
por el Gobierno de Guinea Ecuatorial.

En un mensaje dirigido el viernes 8 de septiembre, al secretario
general de la ONU, el senor Albert Bernard Bongo, presidente de
la Republica gabonesa, indica, entre otras cosas, que en los
ultimos meses, campamentos de pescadores instalados sobre los
islotes no habitados de Mbania, en territorio gabones, han sido
atacados por fuerzas armadas procedentes de Guinea Ecuatorial".

En el curso de una entrevista, concedida el domingo, el senor
Bongo, declaro, en sustancia, que a pesar de la buena voluntad
manifestada por Gabon en sus relaciones con su vecina, la Guinea
Ecuatorial habia provocado un incidente mientras que tenia lugar
negociaciones para la delimitacion de las fronteras maritimas

entre los dos países. El presidente gabonés afirmó que los intentos de conciliación habían tropezado siempre con la negativa del presidente Macías Nguema, de Guinea Ecuatorial.

"Entonces estime que debía garantizar la seguridad de mis compatriotas y decidí instalar un puesto de Gendarmería sobre los islotes Gabonés", declaró el presidente Bongo, que recordó que había recibido protestas del Gobierno de la Guinea Ecuatorial, presentadas de una forma poco amistosa y respondiendo sobre afirmaciones inexactas".

Habiendo sabido que sus vecinos "se disponían a suscitar incidentes fronterizos", el presidente Bongo informó entonces a las Naciones Unidas "de esta situación tensa".

(De hecho, ya se han producido incidentes, si creemos algunas informaciones que den cuenta de disparos de ametralladora efectuados contra los pescadores gabonés que lanzaban sus redes a lo largo de la isla de Corisco. La misma fuente informa que esta isla servía de base de entrenamiento a los oponentes gabonés, cameroneses y centroafricanos a los que concedía asilo el señor Macías Nguema).

"El Comercio de Gijón" 13 de Septiembre de 1972. Crónica de Europa Press. Nueva York, por Ivor Key.

Esta noche no había sido adoptada ninguna decisión sobre la reunión del Consejo de Seguridad de las Naciones Unidas, para estudiar la queja de Guinea Ecuatorial por ocupación de algunas islas que le pertenecen por el vecino Gabón. Según el embajador de Guinea, Primo Esona Mica...su país se encuentra en virtual estado de guerra con Gabón, como consecuencia de la acción de esta última.

La disputa se refiere a unas pequeñas islas situadas frente a la costa de Gabón, pero pertenecientes a Guinea Ecuatorial. Como todo el territorio de este país, dichas islas (Corisco, Elobey Grande y Elobey chico) pertenecieron a España hasta la independencia de aquel país, proclamada el 12 de octubre de 1968. Tal como los guineanos han presentado los hechos, Gabón siguiendo el lamentable ejemplo de otros tantos países, ha decidido extender sus aguas territoriales a una franja de 170 millas. Como consecuencia de ello, las islas citadas quedan incluidas, según dicho país, dentro de su esfera de soberanía, en contra de todos los principios de derecho internacional aceptados por los países de las Naciones Unidas.

Los guineanos afirman que una fuerza gabonesa desembarcó en Corisco defendida solo por una guardia de cuatro hombres, que han sido capturados, torturados y tratados como animales. Buques del Gabón patrullan por las aguas cercanas a las islas y las tres únicas unidades de la marina guineana, todas ellas de características muy ligeras han sido hundidas.

La invasion de las islas guineanas no solo es contraria a la Carta de las Naciones Unidas, sino tambien a las normas que rigen la OUA, a la que pertenecen las dos partes de la disputa. La declaracion de Addis Abeba establece, en efecto, que todos los paises miembros de la OUA deben aceptar las fronteras heredadas de la colonizacion sin crear conflictos sobre las mismas.

El ministro guineano de Obras Publicas Alfonso Oyono hace unas declaraciones:

No les preocupa la invasion porque la razon esta de nuestro lado. Por derecho nos pertenece y constituye un atentado contra nuestra soberania lo ocurrido".

Mas adelante precisa que desconocia la suerte corrida por los cuatro soldados de las fuerzas de la Republica de Guinea Ecuatorial y los 24 civiles que fueron capturados por los gaboneses. En cuanto al punto en que parece localizado el conflicto, y donde se desarrollaron los hechos, la isla volcanica de Embana, que es un islote que sirve de base de apoyo a los pescadores de Guinea, manifesto el Ministro guineano que en la misma en 1967, se habian llevado a efecto prospecciones petroliferas por diversas companias extranjeras, norteamericanas y francesas.

Articulo del periodico El Pueblo. J.M. Carrascal. 13 de Septiembre de 1972.

Primo Jose Esono Mica, representante de Guinea Ecuatorial en la ONU, ha puesto en conocimiento del Presidente del Consejo de Seguridad lo que el considera "un claro acto de agresion por parte de la Republica del Gabon", y pide que dicho Consejo intervenga para que este ultimo pais se retire de las aguas guineanas. Segun el documento, el 23 de agosto pasado, Gabon extendio sus aguas territoriales a 170 millas, invadiendo con ello las islas guineanas de Elobey Grande, Elobey Chico, Corisco y todas las adyacentes a rio Muni. "Cinco guardias y 24 guineanos fueron arrestados y torturados en Corisco, sigue el documento, y durante una semana, el Gobierno gabones dispuso sus buques en el estuario del Muni y hundio las embarcaciones guineanas que comunican Kogo con Corisco".

Articulo del periodico arriba: 14 de Septiembre de 1972.

Hace referencia a la invasion de la isla guineana de Mbane por fuerzas de la vecina Gabon:

Declaraciones de Oyono> Se trata de un interes de prestigio y porque existe petroleo en la isla invadida.

Se refirio al hecho de la invasion, acaecida el pasado dia 22 de agosto: fueron apresados los cuatro soldados y veinticuatro civiles presentes en el islote, lugar que aprovechan para

descansar los pescadores que faenan en las proximidades de Corisco. Ignoro la suerte de los detenidos. Sobre las otras dos pequeñas islas próximas a Mbane, afirmo que se trataba, de bancos de arena. Las prospecciones petrolíferas en la isla invadida habían tenido lugar ya en 1967.

ABC 14 de septiembre de 1972. Desconocía el Ministro la suerte de los cuatro soldados de las fuerzas de Guinea Ecuatorial y de los 24 civiles que fueron capturados por los gaboneses. En cuanto al punto en que aparece localizado el conflicto, y donde se desarrollaron los hechos, la isla volcánica de Embana, que es un islote que sirve de apoyo a los pescadores de Guinea, manifestó el Ministro guineano que en la misma, en 1967, se habían llevado a efecto prospecciones petrolíferas por diversas compañías extranjeras, norteamericana y francesas.

La Embajada guineana precisa por otro lado que no son cuatro sino 24 los ciudadanos guineanos detenidos durante la invasión de la isla de Mbane, sin que por el momento se tengan noticias de ellos, así como tampoco de los guardias apresados en el transcurso de la acción.

Se hace referencia en información del periódico Jeune Afrique del 21 de 10 de 1972 El conflicto fronterizo no será evocado ante el Consejo de Seguridad de Naciones Unidas, el 4 de Octubre Macias informaba de ello al Secretario General de la ONU, Kurt Waldheim. Se tiene previsto el 16 y 17 de septiembre en Kinshasa se reunirán y trataron del conflicto, comprometiéndose a arreglar sus diferencias, renunciar a todo recurso de la fuerza y cesar en toda forma de ataque recíproco en la prensa. Y se toma la decisión de formar una comisión formada por los Gobiernos de Congo, Zaire, Gabon y Guinea Ecuatorial, y que se reúna en Brazzaville.

D 473.Africa.
Expediente 2

Noviembre de 1972. Carta de Don Gabriel Fernandez de Valderrama. Subsecretario del Ministerio de Asuntos Exteriores. Madrid.

Dirigida por Don Eduardo Juncosa Mendoza afirma que le envió unos documentos el 6 de octubre de 1972, relativos a los islotes situados en la bahía de Corisco que actualmente se hallan en litigio entre Guinea Ecuatorial y Gabon, haciendo referencia que en el Archivo Histórico de la Armada también pudiera haber datos de interés.

Nota adjunta: Los documentos relativos a esta cuestión obran en la Sección de Asuntos Generales, bien en el expediente denominado "BALIZAS Y FAROS" o bien en el titulado "VISITAS DE BARCOS", todo ello referido a Guinea.

Documento del Estado Mayor de la Armada. Secretaria. De fecha 18 de Noviembre de 1972. Asunto: Balizamiento de la Bahía de

Annex 241

G. Nesi, “Uti Possidetis Doctrine” MAX PLANCK ENCYCLOPEDIA OF INTERNATIONAL LAW
(February 2018)

Oxford Public International Law



Uti possidetis Doctrine

Giuseppe Nesi

Content type: Encyclopedia entries

Product: Max Planck Encyclopedias of International Law [MPIL]

Module: Max Planck Encyclopedia of Public International Law [MPEPIL]

Article last updated: February 2018

Subject(s):

Self-determination — Foreign relations law — Sovereignty — Settlement of disputes — Boundaries — Territory, acquisition and transfer

Published under the auspices of the Max Planck Institute for Comparative Public Law and International Law under the direction of Professor Anne Peters (2021–) and Professor Rüdiger Wolfrum (2004–2020).

A. Notion and Historical Development

1 The expression *uti possidetis* originates in Roman law, where it indicated an interdict by the praetor aimed at prohibiting any interference with the possession of immovable property acquired *nec vi, nec clam, nec praecario* (not by force, nor stealth, nor license). The purpose of *uti possidetis* was to temporarily assign a favourable position in the ownership action to the individual who possessed that property.

2 In the context of the international law of war, *uti possidetis* initially (in the 17th century) described the situation on the ground after an armed conflict (see also → *Armed Conflict, International*). The right to territory acquired through conflict was *de facto* consolidated by making recourse to a misleading analogy with the *uti possidetis* doctrine in the Roman era. This notion of *uti possidetis* is no longer viable since the well-established principles on the use of force do not allow for any acquisition of territory that is in violation of the → *United Nations Charter* (145 BSP 805) (see also → *Territory, Acquisition*).

3 The modern meaning of *uti possidetis* in international law dates from early 19th century Latin America (→ *Boundary Disputes in Latin America*). In Latin America, *uti possidetis*, and more precisely *uti possidetis iuris*, was qualified as a regional norm for the determination of → *boundaries*. Through *uti possidetis iuris* the newly decolonized States felt bound to adopt as their international boundaries the delimitations—usually administrative but sometimes international in character—traced or tolerated by the colonial authorities and existing at the date of independence, thus contributing to the consolidation of the norm. The Brazilian concept of *uti possidetis de facto* emphasized instead the *de facto* situation at the time of independence, but it was confined to Brazil. At this point in time, in Latin America *uti possidetis iuris* was deemed to be: (i) a *sui generis* instrument covering the succession of new States to colonial powers; (ii) a derogation to → *effectiveness* as a condition for acquiring territorial → *sovereignty*; (iii) a means of promoting the defence of the continent against further colonization attempts; (iv) a principle concerning the determination of boundaries between States arising from the → *decolonization* process. The relevance of the principle to territorial delimitation was crucial in inter-American relations, as inter-State practice and judicial and arbitral decisions demonstrate.

4 Until the mid-20th century, it was rare to find references to this principle outside of Latin America. In the 1960s it appeared in Africa to describe borders between States born from decolonization (→ *Boundary Disputes in Africa*). At the end of the colonial period some African leaders envisaged an ideal Pan-Africanism that could have solved the problem of territorial delimitations among the newly constituted States. However, the doctrine of national States prevailed, obliging the African Heads of State and Government to single out which rule should be applied to those delimitations. Thus, in Africa *uti possidetis* appears as a norm that determines the boundaries between decolonized States on the basis of territorial, administrative, or international divisions established during colonial rule. This interpretation can be deduced from solemn declarations by African States; the Organization of African Union Cairo Resolution of 1964 (OAU 'Border Disputes among African States' AHG/Res.16[I] [17-21 July 1964]; '1964 OAU Cairo Resolution'); several delimitation agreements; many arbitral compromises deferring the settlement of territorial disputes to the → *International Court of Justice (ICJ)* and arbitral tribunals; some international judicial and arbitral decisions (→ *Frontier Dispute Case [Burkina Faso/Republic of Mali]*; → *Land and Maritime Boundary between Cameroon and Nigeria Case [Cameroon v Nigeria]*; → *Maritime Boundary between Guinea and Guinea-Bissau Arbitration [Guinea v Guinea-Bissau]*; → *Frontier Dispute Case [Benin/Niger]*).

5 One could wonder whether the Latin American *uti possidetis* differs from the *uti possidetis* applied in Africa, as was the case for the Arbitral Tribunal dealing with the dispute between Senegal and Guinea-Bissau (*Arbitral Award* [31 July 1989]; → *Maritime Boundary between Guinea-Bissau and Senegal Arbitration and Case [Guinea-Bissau v Senegal]*). On that occasion the Tribunal stated that the Latin American *uti possidetis* would refer only to intracolony territorial divisions, while in Africa the principle would apply to territorial divisions set up both by a colonial authority within its territory and by different colonial powers (see also → *Colonialism*). This attempt to distinguish an ‘African’ *uti possidetis* was criticized as completely ‘unfounded’ by one of the arbitrators. In light of this criticism, one must recognize how *uti possidetis* was largely applied in Latin America in relationships among countries previously under Spanish colonial domination only because the greatest part of that continent was under Spanish sovereignty. Nevertheless, in territorial disputes involving Brazil, which was under Portuguese colonial domination, or European colonial powers (the United Kingdom and the Netherlands, for instance) *uti possidetis* was also referred to as a fundamental norm to be applied in territorial delimitations in Latin America.

6 The relevance of *uti possidetis* in various decolonization contexts outside of Africa (→ *Temple of Preah Vihear Case*; → *Rann of Kutch Arbitration [Indo-Pakistan Western Boundary]*) and in non-decolonization contexts (eg, the dissolution of federal States) has been confirmed in recent years (→ *Yugoslavia, Dissolution of*). In the territory of the former Union of Soviet Socialist Republics (USSR) the international borders between the new States coincided with the borders between the former federated Republics.

7 The historic evolution of *uti possidetis* demonstrates that it is a norm of international law governing territorial delimitations. *Uti possidetis* is not a peremptory norm of international law, since States can derogate from it by common → *consent*, as was often the case in both Latin America and Africa. In other words, *uti possidetis* is perceived as the basis of delimitation between newly constituted States until and unless those States decide to adopt different boundaries.

8 In recent times international jurisprudence has debated the relevance of *uti possidetis* in maritime delimitations (→ *Maritime Delimitation Cases before International Courts and Tribunals; Arbitral Award of 31 July 1989 (Guinea-Bissau v Senegal)*; → *Land, Island and Maritime Frontier Dispute Case [El Salvador/Honduras: Nicaragua Intervening]*; → *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea Case [Nicaragua v Honduras]*). Divergent views have emerged on this issue among those who denied any relevance to the principle because of the different features of territorial and maritime delimitations; others, on the contrary, were in favour of the relevance of *uti possidetis* in maritime delimitations because in both maritime and territorial delimitations *uti possidetis* aims at ensuring the stable and final character of existing boundaries. The latter position presupposes, as it happens for the application of *uti possidetis* in any circumstance, the fact that delimitations were already in place. And when, more recently, the ICJ decided not to apply *uti possidetis* to maritime delimitations (*Territorial and Maritime Dispute [Nicaragua v Colombia]* [2012] ICJ Rep 624), it did so not because *uti possidetis* was not deemed relevant but because the parties failed to adequately support their claims:

the Court concludes that in the present case the principle of *uti possidetis juris* affords inadequate assistance in determining sovereignty over the maritime features in dispute between Nicaragua and Colombia because nothing clearly indicates whether these features were attributed to the colonial provinces of Nicaragua or of Colombia prior to or upon independence. The Court accordingly

finds that neither Nicaragua nor Colombia has established that it had title to the disputed maritime features by virtue of *uti possidetis juris* (at para. 65).

9 The norm aims to avoid disputes over territorial delimitations. In this respect, the *uti possidetis* doctrine arguably meets two needs: it prevents boundary disputes, and it deters the local exploitation of weaknesses and disorders in newly created States which are often vulnerable to secessionist actions (→ *Secession*). The first need corresponded to Latin America, while both clearly corresponded to Africa and other parts of the world in recent times. *Uti possidetis* is today a norm of → *customary international law*, which does not have constitutive effect and can be derogated consensually by the States involved, invoked to determine the boundaries in newly independent States wherever they may be, thus also in contexts other than decolonization (see paras 11–23 below).

10 In this regard, *uti possidetis* contributes to stability in international relations. In its ultimate aims, it is similar to the principle of intangibility of frontiers enshrined in the 1964 OAU Cairo Resolution, although the latter refers to the prohibition of the use of force against → *territorial integrity and political independence* (as provided by Art. 2(4) UN Charter), while *uti possidetis* is instrumental to the determination of boundaries between newly independent States.

B. Application

11 The first aspect of the application of *uti possidetis iuris* to be considered is the ‘critical date’, ie, the historic moment when the delimitation is made by taking ‘a photograph of the territory’. The issue of the critical date is intertwined with that of the elements for applying *uti possidetis*: are there only formal elements or also informal elements? By ‘formal elements’ one alludes to all the formal acts issued in the colonial (or pre-independence) era indicating the existence in that period of a delimitation in a certain area. For example, laws and regulations issued by the former sovereign and describing the limits between various administrative entities. Informal elements amount rather to conduct (or → *acquiescence*) of the previous sovereign. Acts adopted and conduct taken prior to independence have a paramount role in determining boundaries according to *uti possidetis*. *Uti possidetis* is in principle based on the legal acts (‘titles’) adopted by the former sovereign before independence, and on the legal relationship between those acts and the *effectivités* (ie, ‘the conduct of the administrative authorities proving the effective exercise of territorial jurisdiction in the region during the colonial period’ [*Frontier Dispute Case (Burkina Faso/ Republic of Mali)* at para. 63]). Frequently the reference parameters were widened: when this happened, both formal elements and conduct from which the existence of territorial divisions at the critical date could be inferred were taken into consideration.

12 According to the Chamber of the ICJ in the *Frontier Dispute Case (Burkina Faso/ Republic of Mali)*, there can be several scenarios with regard to the way *effectivités* interact with titles:

Where the act corresponds exactly to law, where effective administration is additional to the *uti possidetis juris*, the only role of *effectivités* is to confirm the exercise of the right derived from a legal title. Where the act does not correspond to the law, where the territory which is the subject of the dispute is effectively administered by a State other than the one possessing the legal title, preference should be given to the holder of the title. In the event that the *effectivité* does not co-exist with any legal title, it must invariably be taken into consideration. Finally, there are cases where the legal title is not capable of showing exactly the territorial

expanse to which it relates. The *effectivités* can then play an essential role in showing how the title is interpreted in practice (at para. 63).

It is thus evident for the ICJ Chamber that the legal title has primary relevance in the application of *uti possidetis*, although *effectivités* become decisive if legal titles are not available or their interpretation is difficult.

13 Acts issued during the period subsequent to the critical date and other data related to that period, including the conduct of States towards unequivocal claims by others, can be taken into consideration as useful elements in obtaining a clearer picture of the situation on the ground at the critical date. In this respect it has been recently stated by the ICJ that, after a perusal of the acts issued by Colombia in a certain area claimed also by Nicaragua and the lack of reaction of the latter (*Territorial and Maritime Dispute [Nicaragua v Colombia]* [2012] ICJ Rep 624):

It has thus been established that for many decades Colombia continuously and consistently acted *à titre de souverain* in respect of the maritime features in dispute. This exercise of sovereign authority was public and there is no evidence that it met with any protest from Nicaragua prior to the critical date. Moreover, the evidence of Colombia's acts of administration with respect to the islands is in contrast to the absence of any evidence of acts *à titre de souverain* on the part of Nicaragua. The Court concludes that the facts reviewed above provide very strong support for Colombia's claim of sovereignty over the maritime features in dispute (at para. 84).

14 If a delimitation treaty is concluded after independence, *uti possidetis* does not apply (→ *Territorial Dispute Case [Libyan Arab Jamahiriya/Chad]*) because the agreed delimitation overrides the pre-existent *uti possidetis*, although the former could also coincide with the latter.

15 According to the ICJ in the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria: Equatorial Guinea Intervening)* ([2002] ICJ Rep 303), even if *uti possidetis* is applicable, a consolidated acquiescence can overcome the former.

16 A review of the practice also indicates that, when particular difficulties in the application of *uti possidetis iuris* arise, equitable criteria are often considered. In these cases, equity has integrated *uti possidetis iuris* (equity *infra legem*) but has not substituted the principle (see also → *Equity in International Law*). This is the position of the ICJ Chamber in the *Frontier Dispute Case (Burkina Faso/Republic of Mali)*, according to which the equity to be applied in the specific case is not equity *contra* or *praeter legem*; it is rather 'equity *infra legem*, that is, that form of equity which constitutes a method of interpretation of the law in force, and is one of its attributes' (at para. 28). And it further specifies that '[h]ow in practice the Chamber will approach recourse to this kind of equity in the present case will emerge from its application throughout this Judgment of the principles and rules which it finds to be applicable' (*ibid*). However, equity *infra legem* is applied with great caution:

The Chamber would however stress more generally that to resort to the concept of equity in order to modify an established frontier would be quite unjustified. Especially in the African context, the obvious deficiencies of many frontiers inherited from colonization, from the ethnic, geographical or administrative standpoint, cannot support an assertion that the modification of these frontiers is necessary or justifiable on the ground of considerations of equity. These frontiers,

however unsatisfactory they may be, possess the authority of the *uti possidetis* and are thus fully in conformity with contemporary international law (at para. 149).

17 In recent years the applicability of *uti possidetis* in situations other than decolonization has also been debated in Europe, where the conclusion was drawn that it is applicable provided that a delimitation exists at the critical date. Recent events such as the dissolution of the Soviet Union, Yugoslavia, and Czechoslovakia confirm this interpretation (→ *Czechoslovakia, Dissolution of*). Reference to *uti possidetis iuris* was first made with regard to Yugoslavia. The → *Badinter Commission (for the Former Yugoslavia)* took a stand in favour of the maintenance of the administrative borders that divided one federated Republic from the other until dissolution took place. According to Opinion No 3 ([11 January 1992] [1992] 3 EJIL 184) of the Badinter Commission, those administrative frontiers would become international boundaries because of *uti possidetis iuris*, unless the parties agreed otherwise.

18 The Badinter Commission's conclusion was contested by some scholars, although it was applied for the international frontiers of the former Yugoslavia and the transformation of the administrative divisions between the former federated Republics into international boundaries. Specific attention should be given to the fact that all the proposals by international negotiators seeking a peaceful solution in the area were initially based on the territorial divisions on the date of independence of the new entities. This fact was undisputed by the parties. In one of the most contested areas, Bosnia and Herzegovina, the proposed international delimitation of the new State coincided *in its entirety* with the delimitation that constituted the border of the former federated Yugoslav Republic of Bosnia and Herzegovina on the date of independence. Against this background, the acceptance of *uti possidetis* was interpreted as a necessary preliminary phase in which the parties decided, *by mutual consent*, which territorial modifications had to be made. This is confirmed by the content of Annex 2 to the Dayton Agreement (General Framework Agreement for Peace in Bosnia and Herzegovina [signed and entered into force 14 December 1995] (1996) 35 ILM 89). Observations similar to those made on the Federal Republic of Yugoslavia can be made, *mutatis mutandis*, for the dissolution of the USSR and Czechoslovakia. In the former case, the boundaries of the former 15 Republics coincided with those of the new States. In the latter, the international boundary set in 1993 coincided with the delimitation separating the two federated entities between 1918 and 1992 and with the international boundary in force between Austria and Hungary before 1918.

19 *Uti possidetis* can be applied to boundaries which were either internal (intra-colonial or between federated Republics) or international during the colonial or federal period. The exact location of frontier lines is often referred to—especially in cases of internal boundaries before independence—in specific agreements or in arbitral awards. Those States where *uti possidetis* has been most frequently applied, ie, Latin America and African States, deemed *uti possidetis* as a starting point when drafting specific delimitation agreements or deferring the issue of boundary determination to an arbitrator.

20 *Uti possidetis* is a norm operating particularly in the first phase of the relationships established between newly independent States. Unless there are other points of reference, these States adopt pre-existing delimitations as international frontiers. With the passage of time *uti possidetis* as the norm autonomously defining the territory of newly independent States is 'overridden' (*rectius* 'specified') by the delimitations set by these very States. In this context, *uti possidetis* tends to act as a norm that 'retires' when two → *neighbour States* set their boundaries either by agreement or arbitral decision. Thus, in contemporary international law *uti possidetis* applies only when delimitations set before independence are

identified or when a 'new' delimitation has not been drawn on the basis of other principles or criteria.

21 A final aspect of the functioning of *uti possidetis* refers to its relationship to the right of people to → *self-determination*. Those who believe that there is a conflict between *uti possidetis* and self-determination underline the arbitrary nature or authoritarian character of delimitations of the colonial era or of the central authorities of a federal State against the will of the interested populations. In *Frontier Dispute (Burkina Faso/Republic of Mali)* it was stated that, 'at first sight' *uti possidetis* 'conflicts outright' with the right of people to self-determination (at para. 25). In the same case it was said, however, that the maintenance of the → *status quo* in Africa is

[O]ften seen as the wisest course, to preserve what has been achieved by people who have struggled for their independence, and to avoid a disruption which would deprive the continent of the gains achieved by much sacrifice (at para. 25).

According to a synthetic and enlightening statement of a former President of the ICJ, Dame Rosalyn Higgins, '[u]ti possidetis does not prevent States freely agreeing to redraw their frontiers. But self-determination does not require this of them.'

22 If one sees *uti possidetis* as a norm for determining boundaries between newly constituted States, a conflict between the two principles can be envisioned only if, during colonial times, territorial delimitations had the sole purpose of dividing homogeneous populations or ethnic or religious groups. If this is the case, the violation of the right of people to self-determination is so blatant that those delimitations can be qualified as illicit acts. Some authors underline that we should not underestimate the consequences of adopting territorial delimitations which, on certain occasions, ignore the century-old ethnic, social, and cultural fabric of the territory; however, it was also observed that framing an inevitable conflict between the two principles in such cases means assigning an inappropriate role to *uti possidetis*. In fact, the two principles have different functions: *uti possidetis* refers to territorial delimitations of newly independent States, while the right of peoples to self-determination concerns the freedom of a people to choose its political, economic, and social status.

23 According to some scholars, it is not always necessary to draw *ex novo* international frontiers to allow people living in a territory belonging to a newly independent State to exercise their right of self-determination. The right of a people to self-determination can be achieved through means other than redrawing the delimitations existing at the time of independence: for example, when newly independent States have agreed upon territorial modifications and the population concerned has been authorized to vote thereon, or where there is transborder cooperation. History teaches that when *uti possidetis* is contested by one party and no alternative to *uti possidetis* is provided (such as the conclusion of a delimitation agreement or the deferral of the delimitation to a judicial or arbitral award) the risk of instability and clashes increases enormously.

Select Bibliography

- LI Sánchez Rodríguez 'Uti possidetis: la reactualización jurisprudencial de un viejo principio (a propósito de la sentencia del TIJ [Sala] en el asunto Burkina Faso/ República de Mali)' (1988) 40(2) REDI 121-51.
G Nesi 'Uti possidetis juris e delimitazioni marittime' (1991) 74 RivDirInt 534-70.

- S Torres Bernárdez 'The "Uti Possidetis Juris Principle" in Historical Perspective' in K Ginther (ed) *Völkerrecht zwischen normativem Anspruch und politischer Realität: Festschrift für Karl Zemanek zum 65. Geburtstag* (Duncker & Humblot Berlin 1994) 417-38.
- JM Sorel and R Mehdi 'L'uti possidetis entre la consécration juridique et la pratique: essai de réactualisation' (1994) 40 AFDI 11-39.
- G Nesi *L'uti possidetis iuris nel diritto internazionale* (CEDAM Padova 1996).
- SR Ratner 'Drawing a Better Line: Uti Possidetis and the Borders of New States' (1996) 90 AJIL 590-624.
- MN Shaw 'The Heritage of States: The Principle of Uti Possidetis Juris Today' (1996) 67 BYIL 75-154.
- MG Kohen *Possession contestée et souveraineté territoriale* (Presses Universitaires de France Paris 1997).
- LI Sánchez Rodríguez 'L'uti possidetis et les effectivités dans les contentieux territoriaux et frontaliers' (1997) 263 RdC 151-381.
- MN Shaw 'Peoples, Territorialism and Boundaries' (1997) 8 EJIL 478-507.
- MG Kohen 'Le problème des frontières en cas de dissolution et de séparation d'Etats: quelles alternatives?' (1998) 31 RBDI 129-60.
- G Nesi 'L'uti possidetis hors du contexte de la décolonisation: le cas de l'Europe' (1998) 44 AFDI 1-23.
- E Milano *Unlawful Territorial Situations in International Law: Reconciling Effectiveness, Legality and Legitimacy* (Nijhoff Leiden 2006).
- SR Ratner 'Land Feuds and Their Solutions: Finding International Law Beyond the Tribunal Chamber' (2006) 100 AJIL 808-29.
- G Abi-Saab 'Le principe de l'uti possidetis: son rôle et ses limites dans le contentieux territorial international' in MG Kohen (ed) *Promoting Justice, Human Rights and Conflict Resolution through International Law/La promotion de la justice, des droits de l'homme et du règlement des conflits par le droit international: Liber Amicorum Lucius Caflisch* (Nijhoff Leiden 2007) 657-71.
- Y Tanaka 'Reflections on Maritime Delimitation in the Nicaragua/Honduras Case' (2008) 68 ZaöRV 903-37.
- MG Kohen 'L'uti possidetis iuris et les espaces maritimes' in *Le procès international. Liber amicorum Jean-Pierre Cot* (Bruylant Brussels 2009) 155-70.
- P Couvreur 'Note sur le "droit" colonial français dans la mise en œuvre de l'uti possidetis juris par la Cour internationale de Justice' in M Kanga and M Moïse Mbengue (eds) *L'Afrique et le droit international, Liber Amicorum en l'honneur de Raymond Ranjeva* (Pedone Paris 2013) 111-24.
- MN Shaw 'The International Court of Justice and the Law of Territory' in CJ Tams and J Solan (eds) *The Development of International Law by the International Court of Justice* (OUP Oxford 2013) 151-76.
- MG Kohen 'La relation titres/effectivités dans la jurisprudence récente de la Cour internationale de Justice (2004-2012)' in D Alland and others (eds) *Unité et diversité du droit international. Ecrits en l'honneur du Professeur Pierre-Marie Dupuy* (Nijhoff Leiden Boston 2014) 599-614.
- A Peters 'The Principle of Uti Possidetis Juris: How Relevant Is It for Issues of Secession?' in C Walter A von Ungern-Sternberg and K Abushov (eds) *Self-Determination and Secession in International Law* (OUP Oxford 2014) 95-137.
- DM Ahmed *Boundaries and Secession in Africa and International Law: Challenging uti possidetis* (CUP Cambridge 2015).
- LC Lima 'Some Remarks on the Treatment of Municipal Law in the Application of the uti possidetis Principle by the International Court of Justice' in M Arcari L Balmond and A-S Millet-Devalle (eds) *La gestión des espaces en droit international et*

européen/The Management of Spaces in International and European Law (Editoriale Scientifica Naples 2016) 51-70.

Société française pour le droit international *Droit des frontières internationales/The International Law of Borders* (Pedone Paris 2016).

Select Documents

Arbitral Award of 31 July 1989 (Guinea-Bissau v Senegal) [1991] ICJ Rep 53.

Conference on Yugoslavia Arbitral Commission *Opinion No 3* (11 January 1992) (1992) 31 ILM 1499.

Frontier Dispute (Benin/Niger) [2005] ICJ Rep 90.

Frontier Dispute (Burkina Faso/Niger) [2013] ICJ Rep 44.

Frontier Dispute (Burkina Faso/Republic of Mali) [1986] ICJ Rep 554.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) [1992] ICJ Rep 351.

Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria: Equatorial Guinea Intervening) [2002] ICJ Rep 303.

OAU 'Border Disputes among African States' AHG/Res.16(I) (17-21 July 1964).

Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) [2002] ICJ Rep 625.

Territorial Dispute (Libyan Arab Jamahiriya/Chad) [1994] ICJ Rep 6.

Territorial and Maritime Dispute [Nicaragua v Colombia] [2012] ICJ Rep 624.

Annex 242

J.C. Guerra Velasco, "Forest Science, Technical Practices, Timber Policy and Colonial Context in Equatorial Guinea (1929-1968)," *SCRIPTA NOVA*, Vol. XXIII. No. 613 (1 May 2019) (excerpt)

TRANSLATION

**Scripta Nova**

Revista Electrónica de Geografía y Ciencias
Sociales Universitat de Barcelona
[Digital Journal of Geography and Social
Sciences University of Barcelona]

ISSN: 1138-97
Vol. XXIII. No. 613
May 1, 2019

**FOREST SCIENCE, TECHNICAL PRACTICES, TIMBER POLICY AND COLONIAL
CONTEXT IN EQUATORIAL GUINEA (1929-1968)**

Juan Carlos Guerra Velasco

Geography Department University of Valladolid
guerra@geo.uva.es

Received: 4/24/18; Returned for corrections: 7/2/18; Accepted: 10/9/18

**Forest Science, Technical Practices, Timber Policy and Colonial Context In Equatorial
Guinea (1929-1968) (Abstract)**

Starting in the mid-1920s, timber production in the forests of the current Republic of Equatorial Guinea experienced an intense transformation. It ceased being controlled by certain European commercial companies and became a colonial practice sustained by the influx of significant metropolitan capital financial resources. Using 1929 as an initial point of reference, when the Forestry Service of the Spanish Territories in the Gulf of Guinea was created, this study addresses a dual development: forest administration in the colony, and forestry knowledge and how it is transferred or produced within the colony. The former shows the actual role of the Service. The latter sheds light on how the four key concepts of scientific forest management (i.e. measurement, renewal, profit and regulation) adopted new meanings pursuant to the practices that Spanish colonialism deployed in the Gulf of Guinea.

Keywords: Equatorial Guinea; colonialism; forestry; forest extractivism

**Forest science, technical practice, wood policy and colonial context in Equatorial Guinea
(1929-1968) (Abstract)**

From the mid 1920's, wood production in the forest of Equatorial Guinea undergoes an intense transformation. It ceases to being controlled by certain European commercial companies and turns into a colonial practice supported by the influx of important Spanish financial resources/funds. Taking as an initial point of reference 1921, when the Forestry Commission of the Spanish Territories in the Gulf of Guinea was created, the present study deals with a double development: the forest administration in the colony and the forest knowledge and how it is transferred or produced within the colony. The first one shows the actual role of the Commission. The second one allows to grasp how the four key concepts of scientific forestry (i.e. measure, renewal, profit and regulation) adopt a new nuance as per the practice that Spanish colonialism displays in the Gulf of Guinea

Key Words: Equatorial Guinea; colonialism; silviculture; forest extractivism

Scientific knowledge contributed to the development of European imperialism in the late 19th century and to the colonial practices that accompanied it. Knowledge related to space, construed most broadly, played a significant role in these activities. It was a fundamental element in the design of the imperial project and in the exercise of colonial power.¹ In terms of knowledge regarding raw materials as an element with an obvious territorial dimension, European forest science and the professionals who practiced it were fully involved in the domination and transformation of the space involved in colonialism. The sustained supply of timber served to imprint rationality on the service of the metropolitan market that enabled a display of the technical hegemony of the European powers, the development of new forms of territorial control in the colonies and the aspiration to channel the vitality of the forest into the logic of capitalism.²

At that time, scientific forest management could be defined as the application of scientific methods of forest ecology to the obtention of the greatest possible production of timber for commercial ends. This was an instrumental calculation wherein the value of the forest was defined in terms of material “output.”³ This fully identifies it with the objectives of industrial capitalism that dominated Europe since the early 19th century. The confluence of the two was fostered by four fundamental concepts that broke with preceding forestry knowledge: measurement, renewal, profit and regulation.⁴ The first reflected the need to know how much timber was available; the second had the purpose of guaranteeing the continued existence of the forest; the third was a direct reflection of the logic of industrial capitalism; and the fourth was an expression of the control necessary for renewal and profit to be feasible. Their manifestation in space was forest planning, in other words, establishing mechanisms to extract materials from trees in such a way as to foster the sustained and consistent production of timber and to obtain stable and reliable revenue.

These principles were transported to the colony, but contact with these principles showed that they were expressed in a different form in practice from the original concepts. From a technical standpoint, working in forest ecosystems that were different from the settings in which modern forestry emerged led to a significant problem for its implications: how to manage forests in which a reduced number of species of interest to commerce and a low representation per unit of surface area could be exploited in a notably larger setting that does not have these species.⁵ European forestry based its scientific corpus on the measurement and renewal of mono-specific masses of trees, in which all or most of the taxa they comprise have industrial uses.

¹ Blais, Deprest & Singaravélou, 2011.

² Lanz, 2000; Cleary, 2005.

³ Lanz, 2000.

⁴ Dargavel & Johann, 2013.

⁵ Aubrèville, 1929; Bergeret, 1993; Munshi, 1996; Dargavel & Johann, 2013.

Regardless of whether the development of technical applications that permit the exploitation of the wood of more species is relied upon, the answer to the singular nature of the forest demanded a reformulation of the concepts brought over from Europe. A variety of methods were tried and tested, although they shared a common denominator once the substitution of species was abandoned as unfeasible: increasing the density of species of industrial interest using procedures that were not too costly. The aim was to “improve” the future composition involving useful species in tropical forests, to “enrich” them, in the language of colonial forestry.

Intervention in the forests was resolved not only in terms of forest ecology. In order to apply scientific knowledge, it was necessary to endow it with operational instruments and certain spatial constructions. In other words, science was transformed into policy, and this pivot rested on a tripod of control: territorial control of the forest, control over obtaining the most profitable products of the forest, and control of the labor necessary for the intensive job performed by the workforce.⁶

These principles were adopted by the colonial forestry services that the European metropolises set into motion in Africa and Asia throughout the latter decades of the 19th century and the early decades of the 20th century.⁷ All of them took on a dual technical and fiscal role and, according to some authors, their development permitted a glimpse of a progressive and momentous change in thinking. Although at the start, conservation seemed to characterize the mode of colonial exploitation of the forest, the growing demand for timber at the start of the First World War gave rise to an extractive mentality that continued all the way up to decolonization.⁸

The case of colonial forest management and Spanish forestry practices in Guinea was unique. In comparison with the neighboring colonies, its development was belated and incomplete.⁹ Forestry does not have the property of being performative. Contrary to the thesis defended by some authors, the presence of a forest engineer did not inaugurate forest science in the colony, nor did it guarantee sustained extraction from the forest.¹⁰ What was needed was practice. Moreover, such practice had for a long time been part of the work of Spanish forest engineers in the metropolis. During the second half of the 19th century, through forest planning and

⁶ Vandergest & Lee, 2006.

⁷ Buchy, 1993; Bryant, 1996; Lanz, 2000; Vandergest & Lee, 2006; Weil, 2006; Dargevel & Johann, 2013; Garrido, 2014; McElwee, 2016; Tano, 2016; Guerra & Pascual, 2017.

⁸ Weil, 2006.

⁹ The Forest Service of the Spanish Protectorate in Northern Morocco is from 1913. This rapid step did not take place in continental Guinea. The Forest Service of the Spanish Territories in the Gulf of Guinea was created in 1929, several years after the neighboring colonies had set up their own: Ivory Coast in 1912, Gabon and the French Congo in 1922, and Cameroon as a French colony in 1924, although it already had one under German rule prior to World War One. In the case of the French, quite a few of the problems arose that were later manifested in the Spanish experience: scant interest in technical work in the colonies and insufficient financial resources. Nevertheless, the French foresters in the colonies of equatorial Africa developed several projects over time which, from an experimental viewpoint, were aimed at resolving the forest management problems involved in the management of logging in the forests.

¹⁰ García Esteban & Martínez, 2000; García Pereda, 2013 and 2015.

reforestation projects, a notable body of doctrine was developed that allowed them to deploy intense technical activity throughout a large part of the following century.¹¹

This work was structured into four large bodies of thought. The first set forth the principal characteristics of the forest economy being developed in continental Guinea during the Spanish colonial period; the second and third presented the principal producers of technical and scientific forestry knowledge; and the fourth and last explained the changes that took place in the canons of forest management upon contact with the colony. The bulk of the documentation used comes from the *Fondo África [Africa Collection]* of the Archivo General de la Administración [General Archive of the Administration] (AGA).

The birth of a forest economy and the development of the concession system in continental Guinea

Having laid to rest the “Muni Question,” the 1900 Paris Convention between Spain and France led to an incontrovertible Spanish present in western Equatorial Africa, even though its continental area was reduced to a rectangle measuring 26,000 km² between the Campo and Muni Rivers. However, it was not until well into the 1920s that Spanish colonial occupation, the administrative structures it entailed and the spatial constructions it created, moved beyond the coastal strip where it had been contained up to that point and extended towards the interior of the continent.

The timber business played a key role in this progress. It was profoundly transformed in the mid-1920s. Before that time, it reflected the needs of the commercial capitalism deployed along the coasts of the Gulf of Guinea by certain European companies. From this point forward, it was transformed into a colonial practice: it reflected an extractive economy; it involved physical control of the forest and administrative control of its products; it introduced boundary fences around the spatial configurations of the native communities; it involved strict control over labor; and it took place in the context of a broader program of social and cultural domination of the colony.¹² The characteristics of this business have already been set forth: in depth with regard to a first stage (1926-1936), and sketched out in its essential aspects for the subsequent period ending with decolonization in 1968.¹³ Here is a summary of the key ideas. This business was led by Spanish financial capital invested in companies that behaved as colonial companies. These companies converted timber into the chief export product of the colony, in terms of both volume and value.¹⁴ The initial predominance of ocume arose during the first half

¹¹ Gómez, 1992; Gómez & Mata, 1992; Casals, 1996; Pemán, Iriarte & Lario, 2017.

¹² Pascual & Guerra, 2017.

¹³ Guerra & Pascual, 2015a and Guerra & Pascual, 2015b, 2017.

¹⁴ Carnero & Díez, 2014.

TRANSLATION

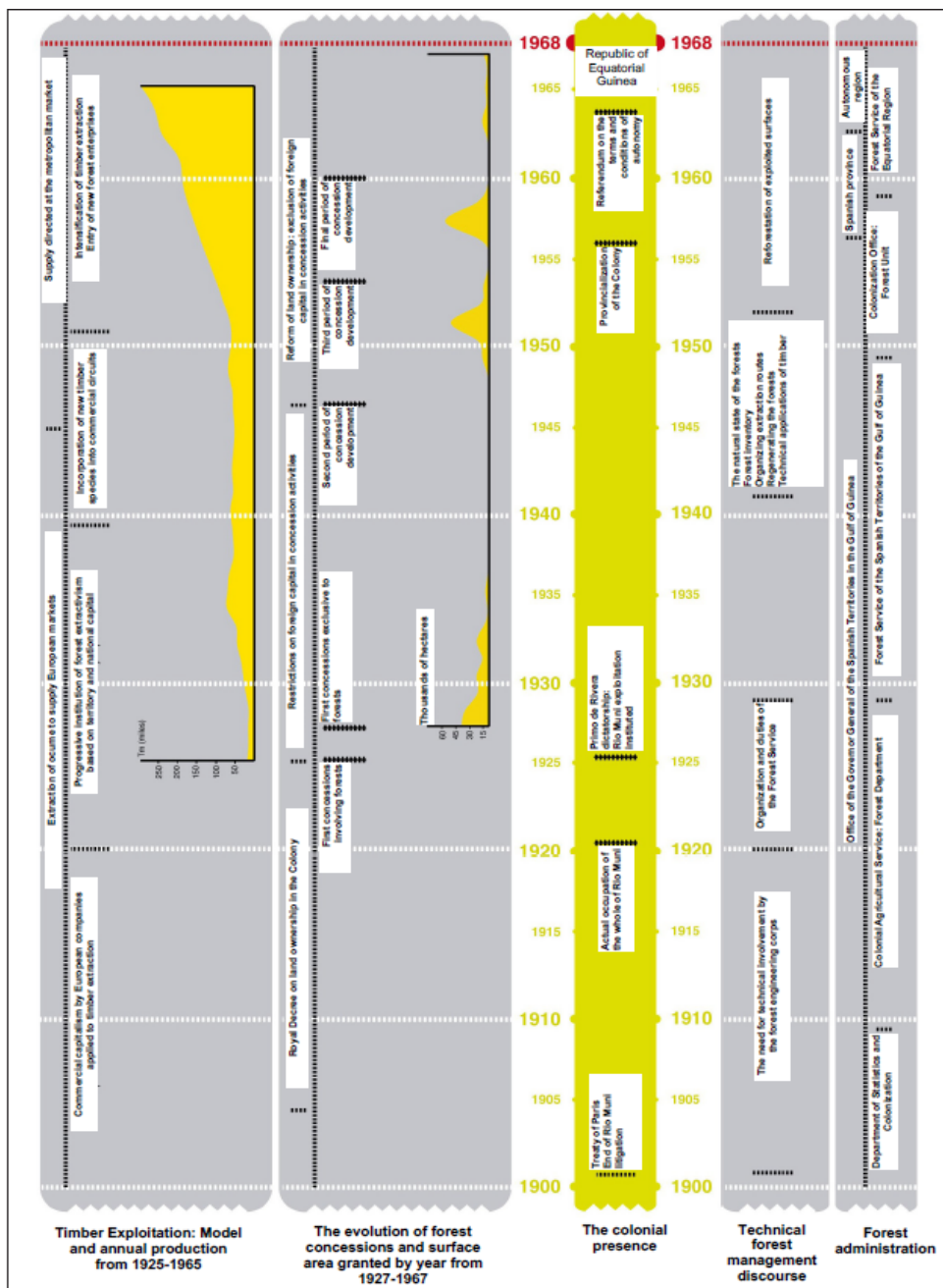


Figure 1. Forestry periods in continental Guinea during the colonial era
 Source: Developed from a variety of source information



WATER STREET TRANSLATIONS, LLC

10 East 39th Street, 12th Floor
New York, NY 10016
www.waterstreettranslations.com

(212) 776-1713
info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Christina Courtright, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/16/21

Date





Scripta Nova

Revista Electrónica de Geografía y Ciencias Sociales
Universitat de Barcelona

ISSN: 1138-97
Vol. XXIII. Núm. 613
1 de mayo de 2019

CIENCIA FORESTAL, PRÁCTICA TÉCNICA, POLÍTICA DE LA MADERA Y CONTEXTO COLONIAL EN GUINEA ECUATORIAL (1929-1968)

Juan Carlos Guerra Velasco

Departamento de Geografía. Universidad de Valladolid
guerra@geo.uva.es

Recibido: 24/4/18; Devuelto para correcciones: 2/7/18; Aceptado: 9/10/18

Ciencia forestal, práctica técnica, política de la madera y contexto colonial en Guinea Ecuatorial (1929-1968) (Resumen)

Desde mediados de la década de 1920, la explotación maderera de las selvas de la actual República de Guinea Ecuatorial conoce una intensa transformación: deja de estar protagonizada por determinadas compañías comerciales europeas para convertirse en una práctica colonial sustentada por la afluencia de importantes capitales financieros metropolitanos. Tomando como referencia inicial 1929, año en el que se crea el Servicio Forestal de los Territorios Españoles en el Golfo de Guinea, el trabajo expone una doble evolución: la de la administración forestal en la colonia y la de los conocimientos silvícolas que se trasladan o se producen dentro de ella. La primera muestra la forma que el Servicio acaba adquiriendo con el tiempo. La segunda permite vislumbrar cómo los cuatro conceptos nucleares de la silvicultura científica -medida, renovación, beneficio y regulación- adquieren un significado nuevo con la práctica que el colonialismo español despliega en el Golfo de Guinea.

Palabras clave: Guinea Ecuatorial, colonialismo, silvicultura, extractivismo forestal

Forest science, technical practice, wood policy and colonial context in Equatorial Guinea (1929-1968) (Abstract)

From the mid 1920's, wood production in the forest of Equatorial Guinea undergoes an intense transformation. It ceases to being controlled by certain European commercial companies and turns into a colonial practice supported by the influx of important Spanish financial resources/funds. Taking as an initial point of reference 1921, when the Forestry Commission of the Spanish Territories in the Gulf of Guinea was created, the present study deals with a double development: the forest administration in the colony and the forest knowledge and how it is transferred or produced within the colony. The first one shows the actual role of the Commission. The second one allows to grasp how the four key concepts of scientific forestry (i.e. measure, renewal, profit and regulation) adopt a new nuance as per the practice that Spanish colonialism displays in the Gulf of Guinea

Key Words: Equatorial Guinea; colonialism; silviculture; forest extractivism

Al desarrollo del imperialismo europeo de finales del siglo XIX y de la práctica colonial que lo acompaña contribuyen los saberes de carácter científico. Dentro de éstos desempeñan una función trascendente los conocimientos relacionados, en su sentido más amplio, con el espacio. Son un elemento fundamental en el diseño del proyecto imperial y en el ejercicio del poder colonial.¹ En cuanto saber que tiene como materia prima un elemento con una evidente dimensión territorial, la ciencia forestal europea y los profesionales que la encarnan participan plenamente de la dominación y transformación del espacio que implica el colonialismo. El abastecimiento sostenido de maderas sirve para desplegar una racionalidad al servicio del mercado metropolitano que permite mostrar la hegemonía técnica de las potencias europeas, desarrollar nuevas formas de control territorial en las colonias y aspira a encauzar bajo una lógica capitalista la vitalidad de la selva.²

La silvicultura científica puede definirse en ese momento como la aplicación de métodos científicos de ecología forestal para conseguir la mayor producción de madera con fines comerciales. Es un cálculo instrumental en el que el valor del bosque está definido en términos de material "output".³ Esto hace que se identifique plenamente con los objetivos del capitalismo industrial que se desarrolla en Europa desde los comienzos del siglo XIX. El encaje entre ambos lo propician cuatro conceptos nucleares que rompen con los saberes silvícolas precedentes: medida, renovación, beneficio y regulación.⁴ El primero por la necesidad de saber con cuánta madera se dispone; el segundo con objeto de garantizar la pervivencia del bosque; el tercero como reflejo directo de la lógica que impone el capitalismo industrial y el último como expresión del control necesario para que la renovación y el beneficio sean posibles. Su manifestación en el espacio es la ordenación de montes; es decir, la instauración de mecanismos de aprovechamiento del arbolado que propicien una producción sostenida y regular de madera y la obtención de una renta estable y segura.

Estos principios se trasladan a la colonia; pero el contacto con ésta provoca que en su ejecución práctica se expresen de una forma diferente a la original. Desde un punto de vista técnico, el trabajo con ecosistemas forestales extraños al ámbito en el que nace la moderna silvicultura hace emerger un problema trascendente por sus implicaciones: cómo manejar bosques en los que un reducido número de especies de interés comercial y con una baja representación por unidad de superficie se desarrolla en un conjunto notablemente mayor que no las tiene.⁵ La silvicultura europea levanta su cuerpo científico sobre la medida y la renovación de masas monoespecíficas, en donde todos o gran parte de los taxones que las componen poseen un aprovechamiento industrial. Con independencia de que se

1 Blais, Deprest y Singaravélou, 2011

2 Lanz, 2000; Cleary, 2005

3 Lanz, 2000

4 Dargavel y Johann, 2013

5 Aubréville, 1929; Bergeret, 1993; Munshi, 1996; Dargavel y Johann, 2013

confíe en el desarrollo de aplicaciones técnicas que permitan el aprovechamiento de la madera de más especies, la respuesta a la singularidad que posee la selva exige reelaborar los preceptos traídos desde Europa. Las vías que se ensayan son diversas, si bien comparten un denominador común una vez que se abandona por inabordable la sustitución de especies: incrementar la densidad de los pies de interés industrial mediante procedimientos no demasiado costosos. Se trata de “mejorar” la composición futura en especies aprovechables del bosque tropical, de “enriquecerlo” según el discurso forestal colonial.

La intervención forestal no se resuelve sólo en términos de ecología forestal. Para que el conocimiento científico pueda ser aplicado, es necesario dotarlo de instrumentos operativos y de determinadas construcciones espaciales. Es decir, la ciencia se transforma en política, y ésta pivota sobre un triple control: el territorial del bosque, el de la obtención de los productos más lucrativos de la selva y el de la mano de obra necesaria para las labores intensivas en fuerza de trabajo.⁶

Con estos principios se arman los servicios forestales coloniales que las metrópolis europeas ponen en marcha en África y Asia a lo largo de las últimas décadas del siglo XIX y primeras del XX.⁷ Todos asumen una doble función técnica y fiscal, y en su desarrollo es posible reconocer, según algunos autores, un progresivo y trascendente cambio de pensamiento. Si en un principio la conservación parece impregnar el modo de explotación colonial de la selva, la demanda creciente de madera que inaugura la Primera Guerra Mundial da paso a una mentalidad extractiva que se prolonga hasta el momento de la descolonización.⁸

El caso de la administración forestal colonial y de la práctica silvícola española en la Guinea continental es singular. En comparación con las colonias vecinas su desarrollo es tardío e incompleto.⁹ La silvicultura no tiene la propiedad de ser performativa. Contrariamente a lo defendido por algunos autores, la presencia de un ingeniero de montes no inaugura la ciencia de montes en la colonia ni garantiza el aprovechamiento sostenido de la selva.¹⁰ Hace falta una práctica. Ésta, por otro lado, forma parte desde hace ya tiempo en ese momento de los trabajos de los ingenieros de

6 Vandergest y Lee, 2006

7 Buchy, 1993; Bryant, 1996; Lanz, 2000; Vandergest y Lee, 2006; Weil, 2006; Dargevel y Johann, 2013; Garrido, 2014; McElwee, 2016; Tano, 2016; Guerra y Pascual, 2017

8 Weil, 2006

9 El Servicio de Montes del Protectorado español en el Norte de Marruecos es de 1913. Esta celeridad no se da en el caso de la Guinea continental. El Servicio Forestal de los Territorios Españoles en el Golfo de Guinea nace en 1929, unos años después de que las colonias vecinas hayan puesto en funcionamiento los suyos -Costa de Marfil en 1912, Gabón y el Congo Francés en 1922 y el Camerún como colonia francesa en 1924, si bien ya contaba con uno bajo el dominio alemán anterior a la Primera Guerra Mundial-. En el caso francés, aparecen no pocos de los problemas que después se manifiestan en la experiencia española: escaso interés por el trabajo técnico en las colonias e insuficiencia de recursos financieros. No obstante, los forestales franceses en las colonias de África ecuatorial desarrollan con el tiempo numerosos trabajos que, desde un punto de vista experimental, pretenden resolver los problemas silvícolas que conlleva la gestión maderera de la selva.

10 García Esteban y Martínez, 2000; García Pereda, 2013 y 2015

montes españoles en la metrópoli. Durante la segunda mitad del siglo XIX elaboran un notable cuerpo doctrinal que les permite, a través de las ordenaciones de montes y los trabajos de repoblación, desplegar una intensa actividad técnica a lo largo de gran parte de la centuria posterior.¹¹

Este trabajo se estructura en cuatro grandes bloques. En el primero se exponen las principales características de la economía forestal que se levanta en la Guinea continental durante el período colonial español; en el segundo y tercero se presenta a los principales productores de conocimiento silvícola de carácter técnico-científico, y en el cuarto y último se explica el giro que la silvicultura canónica experimenta en el contacto con la colonia. El grueso de la documentación utilizada proviene del *Fondo África* del Archivo General de la Administración (AGA).

El nacimiento de una economía forestal y el desarrollo del régimen concesional en la Guinea continental

Al poner fin a la “Cuestión del Muni”, el Tratado de París de 1900 entre España y Francia convierte en incontrovertible la presencia española en el occidente del África Ecuatorial, si bien reducida en su parte continental a un cuadrilátero de 26.000 km² de superficie entre los ríos Campo y Muni. No obstante, no es hasta bien entrada la década de 1920 cuando la ocupación colonial española, las estructuras administrativas que conlleva y las construcciones espaciales que crea rebasan la franja litoral en la que hasta ese momento se halla contenida para extenderse al interior del continente.

En dicho avance desempeña una función relevante el negocio forestal. Éste se transforma profundamente a mediados de los años veinte. Hasta entonces responde al capitalismo comercial que despliegan por las costas del Golfo de Guinea determinadas compañías europeas. A partir de ese momento se transforma en una práctica de carácter colonial: responde a una economía extractiva; implica el control físico de la selva y el administrativo de sus aprovechamientos; introduce una malla de límites que se impone a la espacialidad de las comunidades nativas; conlleva un fuerte control de la mano de obra y se enmarca en un proyecto más amplio de dominación social y cultural de la colonia.¹² Las características de este negocio ya han sido expuestas: con profundidad para una primera etapa (1926-1936) y esbozadas en sus rasgos esenciales para el recorrido posterior que culmina con la descolonización en 1968.¹³ Sirvan como resumen algunas ideas. El negocio está protagonizado por capitales financieros españoles con sociedades que se comportan como compañías coloniales. Éstas convierten a la madera en el principal epígrafe de exportación de la colonia, tanto en volumen como en valor.¹⁴ El predominio inicial del ocume se matiza a partir de la primera mitad

11 Gómez, 1992; Gómez y Mata, 1992; Casals, 1996; Pemán, Iriarte y Lario, 2017.

12 Pascual y Guerra, 2017

13 Guerra y Pascual, 2015a y Guerra y Pascual, 2015b, 2017

14 Carnero y Díez, 2014

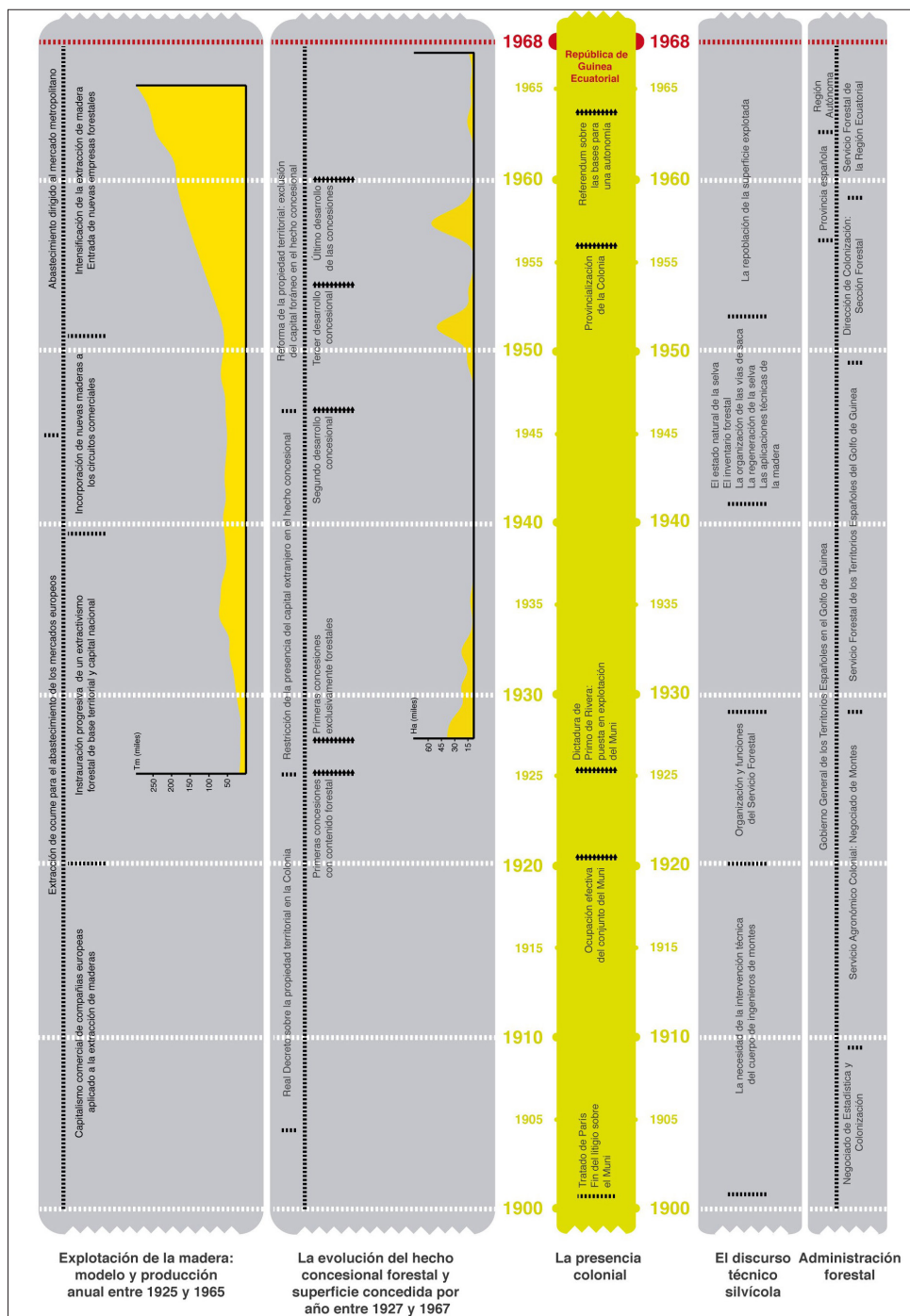


Figura 1. Los tiempos forestales de la Guinea continental en el período colonial
Fuente: Elaboración a partir de diversas informaciones

de la década de 1940: comienzan a ser aprovechadas nuevas especies para el desarrollo -hasta un total de diecisiete, entre las que sobresale el acom- y para el aserrío -alabó, asia, ukola o samanguilla-. En esos mismos años se vive otro cambio. El comercio pasa de dirigirse a los mercados europeos a través del puerto de Hamburgo para abastecer mayoritariamente al mercado metropolitano.¹⁵ Por último, las concesiones forestales actúan como intermediación física entre el Estado y las compañías coloniales. El volumen de ocume exportado es de unas 15.000 Tm en 1926 y alcanza las 360.000 en 1966. A su vez, en esta última fecha la suma de la superficie explotada en algún momento por las compañías concesionarias alcanza las 327.000 Ha, a las que hay que sumar la madera que proviene de los desbosques de las fincas agrícolas y la que se extrae de las reservas territoriales de los poblados nativos.

Con independencia de en qué mercado se coloque, no se puede entender la extracción de madera de la colonia sin acudir a un hecho determinante cuyo alcance rebasa ampliamente la realidad española: la evolución técnica en la transformación industrial de la madera. A lo largo de los siglos XIX y XX se reconocen en el mundo desarrollado unos usos de la madera declinantes, otros renovados y, por último, otros emergentes.¹⁶ Entre estos últimos se encuentra la elaboración de tableros contrachapados. Comienzan a fabricarse en Estonia a finales del XIX, extendiéndose rápidamente su producción por Europa. En un inicio se recurre al desarrollo de la madera de abedul, a la que se suma en una proporción cada vez mayor la del ocumen proveniente de las colonias francesas del África ecuatorial -esencialmente del Gabón- y de la Guinea española. España no queda al margen de ese negocio emergente. De hecho, aunque no forma parte de los argumentos de este trabajo, durante no poco tiempo se asiste en torno a un intenso debate entre coloniales y tableristas; es decir, entre las empresas forestales en la colonia y los fabricantes de tablero contrachapado en la metrópoli. Estos suman 17 instalaciones en 1935, para superar la centena poco más de veinte años después.¹⁷ Los trabajos fiscales a los que obliga el control de este negocio son los que justifican la creación del Servicio Forestal de los Territorios Españoles del Golfo de Guinea en 1929. Su vida posterior está condicionada por las características de la colonia y por el contexto en el que se desenvuelve la economía forestal de la metrópoli (Figura 1).

La administración forestal en la colonia

Desde 1901, la *Revista de Montes* reclama el aprovechamiento de las selvas de la Guinea continental y la intervención técnica del cuerpo de ingenieros de montes.¹⁸ A pesar

15 El mercado metropolitano absorbe en torno a un 30 % de la madera extraída entre 1927 y 1939, para incrementarse hasta el 95 % entre 1940 y 1968

16 Zapata, 2001

17 Zapata, 2001

18 *Revista de Montes*, 1901, 583; 1913, 867 y 923; 1917, 963

del reiterado anuncio de la inminente creación de un servicio forestal, ésta no se produce hasta 1929; y no lo hace como resultado de un plan premeditado sino como consecuencia de un conflicto corporativo en la administración colonial. Antes de esa fecha, los recursos humanos y materiales que el Estado pone al servicio de la explotación forestal son, a grandes rasgos, los mismos que actúan en la administración de Fernando Póo desde las últimas décadas del siglo XIX.¹⁹ Al ser resultado directo de los trabajos de desbosque para la agricultura de plantación fernandina, los asuntos forestales se encuadran primero en el Negociado de Estadística y Colonización y a partir de 1910-1911 en el Servicio Agronómico Colonial. Sólo desde el momento en el que el hecho concesional adquiere carta de naturaleza, un ayudante de montes destacado en Bata atiende de forma permanente el continente. La llegada de Miguel Núñez de Prado como Gobernador General a la colonia en 1926 con el encargo de intensificar la ocupación y explotación del Muni acelera los acontecimientos. A principios de 1927 se convoca un concurso para cubrir una plaza de ingeniero de montes que ocupa poco después por Manuel Carrera.²⁰ Al poco de llegar a la colonia realiza junto con el gobernador general una expedición al interior del continente. El resultado es la elaboración de un informe que, con el objeto de encauzar la política forestal, retrata la situación de la colonia y anticipa algunas de las iniciativas que se despliegan en los años posteriores.²¹ Propone la creación de un servicio forestal

“con independencia propia para verificar los estudios botánico-tecnológico precisos, así como para estudiar las vías de saca naturales y verificar reconocimientos al objeto de inventariar la riqueza forestal de la colonia; la realización con toda urgencia de una misión forestal entre Ingenieros de Montes, Industriales y Colonos que se dediquen a la explotación de maderas, al objeto de realizar reconocimientos y recoger muestras de madera para su posterior análisis y comparación con la que importamos del extranjero”

y la

“creación en España de una Sección dedicada única y exclusivamente al estudio-tecnológico de la maderas africanas” radicada en el “Instituto de Experiencias Técnico Forestales”.²²

El Servicio Forestal se crea en 1929, pero no es el resultado del guion antes esbozado. Parece que desde el momento en el que se cubre la nueva plaza surgen tensiones entre el jefe del servicio, ingeniero agrónomo y residente en Santa Isabel,

19 Costa y Calle, 2007

20 Gaceta de Madrid del 4 de enero y del 11 de febrero de 1927

21 AGA 81/6464

22 AGA 81/6464. Esta sección, como tal, no llegó a crearse. En realidad, se refiere al Instituto Nacional de Experiencias Agronómicas y Forestales. En 1929 se transforma en el Instituto Forestal de Investigaciones y Experiencias. Su fusión con el Patronato de Biología Animal y con el Instituto Nacional de Investigaciones Agronómicas en 1971 dan lugar al Instituto Nacional de Investigaciones Agrarias (INIA)

Annex 243

A. Zimmermann & J. Devaney, "State Succession in Treaties" *Max Planck Encyclopedia of Public International Law* (last updated July 2019)

Oxford Public International Law



State Succession in Treaties

Andreas Zimmermann, James Devaney

Content type: Encyclopedia entries

Product: Max Planck Encyclopedias of International Law [MPIL]

Module: Max Planck Encyclopedia of Public International Law [MPEPIL]

Article last updated: July 2019

Subject(s):

Sovereignty — Customary international law — State succession, international agreements — Treaties, successive — Codification — Unification

Published under the auspices of the Max Planck Institute for Comparative Public Law and International Law under the direction of Professor Anne Peters (2021–) and Professor Rüdiger Wolfrum (2004–2020).

A. Notion

1 State succession refers to ‘the replacement of one State by another in the responsibility for the international relations of territory’ (see, eg Art. 2 (1) (b) Vienna Convention on Succession of States in Respect of Treaties [‘VCSST’]; Art. 2 (1) (a) 1983 Vienna Convention on Succession of States in Respect of State Property, Archives and Debts; Art. 2 (a) → *International Law Commission [ILC] Articles on Nationality of Natural Persons in relation to the Succession of States*; see also the decision of the arbitral tribunal in the *Case concerning the Arbitral Award of 31 July 1989 [Guinea-Bissau v Senegal]* 83 ILR 31; → *Maritime Boundary between Guinea-Bissau and Senegal Arbitration and Case [Guinea-Bissau v Senegal]*). It may take place in the form of → *cession* of territory, the separation of part or parts of the territory of a State to form one or more → *States* (→ *Secession*), the complete dismemberment of a State (→ *Dismemberment of States*), the incorporation of one State into another, or finally the merger of two or more States leading to the creation of a new State (→ *New States and International Law*). Logically, State succession has therefore to be distinguished from situations of State continuity where a State undergoes significant changes but where no change of title to territory occurs (→ *Continuity of States*). In particular no State succession occurs where a State is subject to military occupation (→ *Occupation, Belligerent*; see also → *Territorial Integrity and Political Independence*), where a revolution or coup d’état takes place, or where, as in a situation of a failed State, no effective government is in existence (→ *Failing States*).

2 Once faced with instances of State succession the logical question arises whether → *treaties* which beforehand applied to a given territory would then continue to do so or whether instead, at least in the case of a cession of territory or in the case of an incorporation of one State into another, the treaties of the predecessor State would then extend to the territory which was subject to the respective territorial change (see also → *Territorial Change, Effects of*).

B. Historical Development

3 Ever since the modern concept of sovereign States developed (→ *Sovereignty*; → *States, Sovereign Equality*), instances of territorial changes and accordingly of State succession have occurred. One might refer, inter alia, to the independence of the United States of America and of the former Spanish colonies (see also → *Decolonization*; → *Decolonization: Spanish Territories*), as well as to several important cessions such as the cession of Alaska in 1867, or cases of unification such as those of Italy or Germany in the 19th century. After World War I the law of State succession was largely influenced by the creation of new States given the dissolution of both the Austro-Hungarian Empire and the Ottoman Empire (see also → *History of International Law, World War I to World War II*). After 1945 a large number of former dependent territories gained independence, which brought about the question whether such ‘newly independent States’ would continue to be bound by treaties previously entered into by their respective predecessor State (see also → *History of International Law, since World War II*). It was in light of these developments that the United Nations General Assembly (→ *United Nations [UN]*; → *United Nations, General Assembly*) requested the ILC to codify the law of State succession with regard to treaties which finally in 1978 led to the adoption of the VCSST (see also → *International Law Development through International Organizations, Policies and Practice*). The convention, however, only entered into force in 1996, and so far has only 23 contracting parties, one main reason being that the text significantly favours the interests of former dependent territories, ie so-called newly independent States. After 1990 the dissolution of the Union of Soviet Socialist Republics (‘USSR’; → *Russia*; see also → *Commonwealth of Independent States [CIS]*), the former Yugoslavia, (→ *Yugoslavia, Dissolution of*) and Czechoslovakia (‘CSFR’; → *Czechoslovakia, Dissolution of*), as well as the (re)unification of Germany (see → *Germany*,

Legal Status after World War II) and → *Yemen*, constituted more recent cases of State succession and further developed applicable norms of → *customary international law*. The contemporary relevance of the law of State succession is clear, as illustrated by the creation of the State of South Sudan in 2011, and possible future cases such as → *Kosovo*, *Moldova*, *Scotland*, *Catalonia*, and *Iraqi Kurdistan*.

C. General Features of the Law of State Succession with regard to Treaties

4 Generally speaking, the law of State succession with regard to treaties is characterized by two features. First, and unlike in the case of the general law of treaties, no generally accepted codification exists (→ *Codification and Progressive Development of International Law*). Second, → *State practice* is far from uniform in nature and is to a large extent characterized by pragmatic, case-by-case solutions. Accordingly there are very few rules of State succession that can be characterized as having undoubtedly achieved the status of customary international law. Nevertheless, certain rules may be said to have acquired the status of customary international law as will be outlined below. Even so, such rules cannot be applied in a way that is incompatible with the object and purpose of the treaty concerned (→ *Treaties, Object and Purpose*), in a way that fundamentally alters the conditions for the treaty's operation, or in a way that differs from that upon which the States concerned have agreed. Finally, both the States involved in the process of succession, as well as third States which are contracting parties to the treaties concerned, are under a general obligation to settle peacefully questions arising in the context of the succession by → *negotiation* or any other agreed method of their choice (→ *Peaceful Settlement of International Disputes*).

5 The law on State succession with regard to treaties has for a long time been dominated by the dichotomy between an alleged principle of universal succession on the one hand and a *tabula rasa* approach on the other. While the former favours the interests of third States in the upholding of treaty relations, the latter corresponds to a rather strict understanding of sovereignty. Neither of the two principles can however offer a practicable solution for various scenarios where State succession takes place. Accordingly, under customary international law more nuanced solutions have been developed in the past or, at the very least, might be in the process of being formed.

6 Given these uncertainties, States involved in the process of succession, ie the respective predecessor State and the successor State, have in the past frequently concluded so-called devolution agreements according to which the treaties of the predecessor State would devolve upon the successor States. Yet, as Art. 8 (1) VCSS-T confirms, such a devolution agreement does not, as such, in line with the *pacta tertiis* principle (→ *Treaties, Third-Party Effect*), bring about succession to such treaties.

7 Since in most cases no undisputed rules exist as to an automatic succession to treaties, successor States willing to succeed to multilateral treaties of their predecessor State can, by way of a unilateral → *declaration* addressed to the respective → *depository*, confirm their succession (→ *Unilateral Acts of States in International Law*). It remains doubtful, however, whether such declarations are of a declaratory or a constitutive nature depending on what position one takes as to the principle of automatic succession. In any case, taking into account the practice of various depositaries, such declarations of succession are only considered to bring about succession provided they are not of a general character, but instead list specific treaties to which the successor State wants to succeed. That does not exclude, however, that such a general declaration could produce a binding effect under other rules of general international law, such as, for example, the principle of → *estoppel* or related concepts. Besides, any declaration of succession, even when specifically dealing

with a given treaty, may only bring about succession in cases where the treaty, given its character and content, is open for adherence by the successor State.

D. Specific Categories of State Succession

1. Cession of Territory

8 With regard to cession of territories the so-called *moving treaty frontiers principle*, as codified in Art. 15 VCSS-T, applies. This principle, which is also somewhat reflected in Art. 29 → *Vienna Convention on the Law of Treaties (1969)* ('VCLT'), represents one of the most settled aspects of the law of State succession with regard to treaties. Accordingly, treaties of the predecessor State cease to be in force in respect of the ceded territory while treaties of the successor State generally extend *ipso facto* to this territory. This approach was followed with regard to the transfer of → *Hong Kong*, → *Macau*, and → *Walvis Bay*.

2. Unification of States: Incorporation of One State into Another and Merger of Two States

9 Where one State voluntarily decides to be incorporated into another, as was the case with the German Democratic Republic, which became part of the Federal Republic of Germany as of 3 October 1990, the former ceases to exist as a subject of international law (→ *Subjects of International Law*), while the territory of the latter extends to that of the incorporated State. In such a scenario, which was not envisaged in the VCSS-T, the treaties of the incorporating State extend to the absorbed territory while the treaties of the incorporated State, with the notable exception of localized treaties, *ipso facto* lapse unless the parties involved decide otherwise.

10 In contrast, where two States merge to form a new State, as was the case with regard to the Yemenite unification, the model provided for in Art. 31 VCSS-T, at least by and large, applies. Accordingly, all treaties entered into by either of the two predecessor States, both of which cease to exist as of the time of unification, continue to be in force, albeit with the territorial scope of application of such treaties being limited to the territory to which they had already been applied beforehand (in accordance with Art. 31 (2) VCSS-T). Together, Art. 31 (1) and (2) create a split treaty regime which potentially results in diverging obligations for the State and unequal rights for individuals within the same territory. However, the practical effect of these provisions is limited, with Yemen remaining the sole example of succession of this kind, preventing any determination as to their customary status.

3. Complete Dissolution of a State

11 When a part or parts of the territory of a State separate to form one or more States, whether or not the predecessor State continues to exist, Art. 34 VCSS-T provides that, as a matter of principle, the treaties of the predecessor State automatically continue in force in respect of each successor State. State practice, and in particular that concerning the dissolution of the Socialist Federal Republic of Yugoslavia, as well as that concerning the CSFR, at least somewhat tends to confirm the customary law nature of this rule. In addition, the Arbitration Commission of the Peace Conference on the Former Yugoslavia (→ *Badinter Commission [for the Former Yugoslavia]*), set up under the auspices of the Peace Conference for the former Yugoslavia, considered the principles of international law embodied in the VCSS-T to constitute at least a starting point for its considerations.

4. Separation

12 Unlike in the case of a complete dismemberment, a mere separation presupposes that one of the entities existing on the territory of the predecessor State continues its legal personality and is, as such, identical, although in a limited geographical way, with that predecessor State. A prominent example in this regard is the case of the USSR, where the Russian Federation was generally, including by the → *International Court of Justice (ICJ)*, considered to continue the legal personality of that State. Accordingly the continuing State automatically continues all treaty relations of the predecessor State unless such treaties are localized on the territory of a successor State, a result enshrined in Art. 35 VCSS-T.

13 It is less clear, however, whether the successor States which separated from the rump State are automatically bound by all treaties previously entered into by their predecessor State. Recent State practice, including that of South Sudan, is even less uniform than that in cases of complete dissolution of a State. Such practice has cast doubt upon the application of Art. 34 VCSS-T and precludes any claims with regard to its having achieved customary status.

14 In any case such a successor State has the right, by way of a unilateral declaration of succession, to become *ex tunc* a party to multilateral treaties of its predecessor State unless such treaty membership is in one way or another limited to a certain group of States.

5. Newly Independent States

15 The VCSS-T, in line with previous State practice, defined the category of so-called newly independent States in its Art. 2 (1) (f) by referring to such a State as 'a successor State the territory of which immediately before the date of the succession of States was a dependent territory for the international relations of which the predecessor State was responsible'. The concept thus covers former colonies (→ *Colonialism*). In line with the post-independence practice of many former dependent territories Art. 16 VCSS-T, applying the *clean slate* or *tabula rasa principle*, provides that any such newly independent State is not bound to maintain in force, or to become a party to, any treaty of its predecessor State, but that it may establish its status as a party to any such treaty by way of a unilateral declaration. The relatively few dependent territories which came into existence after 1978 have, by and large, followed the model prescribed by the convention and have in particular claimed a right to apply the terms of individual treaties inherited from their predecessor provisionally until such time as they inform the depository or (in the case of bilateral treaties) the respective other party otherwise. With the definite end of the historical process of decolonization, the very concept of newly independent States has however lost its relevance.

E. Specific Questions

1. Border Treaties

16 Both State practice up to and after the VCSS-T and Art. 11 VCSS-T itself as well as various decisions of international (arbitral) tribunals (→ *Arbitration*) confirm that a succession of States does not, as such, affect a land or maritime boundary established by a treaty (→ *Boundaries*). This is even true where otherwise the respective successor State would not succeed to the treaties of its predecessor State. This is in line with the general interest of the → *international community* in the stability and inviolability of boundaries, which is also enshrined in the → *uti possidetis doctrine*.

2. Other Forms of Localized Treaties

17 Recent State practice also demonstrates that other forms of *localized, dispositive, or real* treaties—sometimes also referred to as treaties running with the land—ie treaties which relate to the use of any territory, or to restrictions upon its use, established by a treaty for the benefit of any territory of a foreign State and considered as attaching to the territories in question are similarly subject to an *ipso iure* succession regime by the successor State to whose territory they relate. This principle, already contained in Art. 12 VCSS-T, was confirmed by the ICJ in its 1997 judgment in the → *Gabčíkovo-Nagymaros Case (Hungary/Slovakia)* ([1997] ICJ Rep 7).

3. Human Rights and Related Treaties

18 The practice of supervisory bodies established in accordance with the various human rights treaties, such as the → *Human Rights Committee*, indicates that successor States are in all circumstances bound by treaty obligations entered into by their respective predecessor State in the field of → *human rights*, even where otherwise no State succession with treaties would take place. This approach has however so far not been followed uniformly in recent instances of State succession, in particular where new States have been created. It therefore still remains somewhat doubtful whether, at this stage, a new rule of customary international law has already been created, even more so since the ICJ has so far avoided tackling the issue in the various cases concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide (→ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide Case [Bosnia and Herzegovina v Serbia and Montenegro]*; → *Application of the Convention on the Prevention and Punishment of the Crime of Genocide Case [Croatia v Serbia]*). Any such assumption of automatic succession with regard to human rights treaties would however be buttressed by their specific character, namely the fact that they grant individual rights and that they have been concluded with due regard to Art. 55 → *United Nations Charter* ([adopted 26 June 1945, entered into force 24 October 1945] 1 UNTS 16). State practice also seems to indicate that → *concordats* as well as treaties in the field of international humanitarian law (→ *Humanitarian Law, International*), like human rights treaties, might also be considered treaties which are subject to automatic succession.

4. Bilateral Investment Treaties (BITs)

19 In recent times arguments have been advanced in support of universal succession in relation to bilateral investment treaties ('BITs') (→ *Investments, Bilateral Treaties*). Such arguments have generally sought to challenge the supposedly bilateral nature of such treaties. For instance, despite the fact that BITs are concluded between two States, proponents of the continued application of investment treaties point to the fact that such agreements confer substantive rights on individuals (foreign investors) which can be enforced through resort to international tribunals. Similarly, others have made reference to vested, acquired, or even human rights (by analogy) which have traditionally been cited in support of the continuity of treaties.

20 However, despite the practical appeal of continuity with regard to such treaties, which would also be in line with the general thrust of Art. 34 VCSS-T, State practice indicates that States prefer to retain control over the operation of such agreements, negotiating with treaty partners on a case-by-case basis.

5. Membership in International Organizations

21 The almost uniform practice of international organizations, including that of the UN, demonstrates that in cases of separation or dismemberment, no succession with regard to membership takes place (→ *International Organizations or Institutions, Membership*). If one of the successor States, however, continues the legal identity of a given Member State of the organization, that State also inherits the membership in the organization, as was, for example, the case with regard to the Russian Federation. It is for that reason that the Federal Republic of Yugoslavia's claim to continued membership in the UN was not accepted so that it finally had, like the other successor States of the former Yugoslavia, to apply for admission as a new member. Recent practice with regard to, for example, membership in the → *International Centre for Settlement of Investment Disputes (ICSID)* by → *Slovenia*, → *Bosnia and Herzegovina*, → *Croatia*, → *North Macedonia*, → *Serbia*, → *Montenegro*, Kosovo, and South Sudan, all of which have acceded as new members, confirms this practice.

22 In contrast thereto, where two Member States of an international organization unify in one way or another, be it by way of a merger or be it by way of absorption, the respective successor State always continues one single amalgamated membership. In contrast to the practice of other international organizations, both the → *International Monetary Fund (IMF)* and the World Bank (→ *International Bank for Reconstruction and Development [IBRD]*) as well as → *regional development banks* such as the Asian Development Bank, the Inter-American Development Bank, or the European Bank for Reconstruction and Development, have normally accepted the possibility of successor States acquiring membership status through succession, provided however that the relevant organ of the organization in question has beforehand determined that the successor State fulfils the necessary requirements for membership including taking over, where applicable, a share of the → *debts* incurred by its predecessor State.

6. Succession with regard to Treaties Not Yet in Force at the Time of Succession

23 Under current customary international law, States may succeed to both the status of a contracting State, as well as to the status of a signatory State. Where a necessary quorum has not been reached *ex ante*, declarations of succession are also counted towards such requirement.

7. Succession concerning Reservations and Objections to Reservations

24 State practice demonstrates that where States automatically succeed to treaties of their predecessor State, they might not enter new reservations (→ *Treaties, Multilateral, Reservations to*). Instead they may only, if they so wish, retain reservations previously entered into by their predecessor State. With regard to a possible succession to objections to reservations of third States, no clear pattern of State practice can yet be perceived, although there is at least a certain tendency that with regard to such objections, too, a succession takes place.

F. Assessment

25 After the end of the era of decolonization it had seemed that issues of State succession had become moot to some extent. Yet subsequent developments occurring in Eastern Europe in relation to the disintegration of the USSR, the CFSR, and the former Yugoslavia, the transfer of sovereignty with regard to Hong Kong and Macau, and the creation of the new State of South Sudan have demonstrated its continued relevance. It therefore cannot be ruled out that further instances of State succession will occur again sooner or later.

Practice since the coming into force of the VCSS-T has reinforced the customary law character of a limited number of rules of State succession with regard to treaties, such as, for example, the moving boundary rule in cases of cession of territory or the principle of automatic succession to boundary and other localized treaties. However, in light of the lack of uniform practice, it remains to be seen whether universal succession to treaties in cases of separation or complete dismemberment of a State, or the rule according to which human rights treaties are always subject to automatic succession, will achieve customary international law status in the future.

Select Bibliography

- W Schönborn *Staatensukzessionen* (Kohlhammer Stuttgart 1913).
- H Wilkinson *The American Doctrine of State Succession* (Johns Hopkins Press Baltimore 1934).
- E Castrén 'Aspects récents de la succession d'états' (1951) 78 RdC 379-506.
- W Jenks 'State Succession in Respect of Law-Making Treaties' (1952) 29 BYIL 105-44.
- K Zemanek *Gegenwärtige Fragen der Staatensukzession* (Müller Karlsruhe 1964) 56-100.
- K Zemanek 'State Succession after Decolonization' (1965) 116 RdC 181-300.
- DP O'Connell *State Succession in Municipal Law and International Law* (CUP Cambridge 1967) vols 1-2.
- M Marcov *Accession à l'indépendance et succession d'états aux traités internationaux* (Fribourg Suisse 1969).
- AG Pereira *La succession d'états en matière de traité* (Pedone Paris 1969).
- M Bedjaoui 'Problèmes récents de succession d'états dans les états nouveaux' (1970) 130 RdC 454-585.
- DP O'Connell 'Recent Problems of State Succession in Relation to New States' (1970) 129 RdC 95-206.
- O Udokang *Succession of New States to International Treaties* (Oceana Publications Dobbs Ferry NY 1972).
- M Mutiti *State Succession to Treaties in Respect of Newly Independent African States* (East African Literature Bureau Kampala 1977).
- M Yasseen 'La Convention de Vienne sur la succession d'Etats en matière de traités' (1978) 24 AFDI 59-113.
- M Maloney 'Succession of States in Respect of Treaties: The Vienna Convention of 1978' (1979) VaJIntIL 885-914.
- DP O'Connell 'Reflections on the State Succession Convention' (1979) 39 ZaöRV 725-39.

- I Sinclair 'Some Reflections on the Vienna Convention on Succession of States in Respect of Treaties' in EJ Manner (ed) *Essays in honour of Erik Castrén* (Finnish Branch of the International Law Association Helsinki 1979) 149-83.
- H Treviranus 'Die Konvention der Vereinten Nationen über Staatensukzession bei Verträgen: Ergebnisse der Konferenz in Wien 1977 und 1978' (1979) 39 ZaöRV 259-300.
- R Szafarz 'Vienna Convention on Succession of States in Respect of Treaties: A General Analysis' (1979-80) 10 PolishYIL 77-113.
- EG Bello 'Reflections on Succession of States in the Light of the Vienna Convention on Succession of States in Respect of Treaties 1978' (1980) 23 GYIL 296-322.
- W Poeggel R Meissner and C Poeggel *Staatennachfolge in Verträge* (Staatsverlag der DDR Berlin 1980).
- K Zemanek 'Die Wiener Konvention über die Staatennachfolge in Verträge' in H Miehsler (ed) *Ius Humanitatis* (Duncker und Humblot Berlin 1980) 719-38.
- A Borrás 'Algunos aspectos de la sucesión de Estados en materia de Tratados Internacionales y el Convenio de Viena de 22 de agosto de 1978' (1981) 33 REDI 51-74.
- W Fiedler 'Die Konventionen zum Recht der Staatensukzession: Ein Beitrag der ILC zur Entwicklung eines "modern international law"?' (1981) 24 GYIL 9-62.
- P Cahier 'Quelques aspects de la Convention de 1978 sur la succession d'Etats en matière de traités' in B Dutoit (ed) *Mélanges Georges Perrin* (Payot Lausanne 1984) 63-76.
- Z Mériboute *La codification de la succession d'Etats aux traités* (Presses Universitaires de France Paris 1984).
- A Gruber *Le droit international de la succession d'états* (Bruylant Bruxelles 1986).
- H Kwon Koo 'The Uniting of Divided States in the Vienna Convention on Succession of States in Respect of Treaties' (1990) 18 KoreanJCompL 114-73.
- B Brüggemann *Probleme der Staatensukzession* (Doctoral thesis Münster University 1991).
- S Oeter 'German Unification and State Succession' (1991) 51 ZaöRV 349-83.
- D Blumenwitz *Staatennachfolge und die Einigung Deutschlands* (Mann Berlin 1992) vol 1.
- M Bothe and C Schmidt 'Sur quelques questions de succession posées par la dissolution de l'URSS et celle de la Yougoslavie' (1992) 96 RGDIP 811-42.
- M Weller 'The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia' (1992) 86 AJIL 569-607.
- W Czaplinski 'La continuité, l'identité et la succession d'états—évaluation des cas récents' (1993) 26 RBDI 374-92.

- R Mullerson 'The Continuity and Succession of States by Reference to the Former USSR and Yugoslavia' (1993) 42 ICLQ 473-93.
- D Vagts 'State Succession: The Codifier's View' (1993) 33 VaJIntL 275-97.
- E Williamson and J Osborn 'A U.S. Perspective on Treaty Succession and Related Issues in the Wake of the Break up of the USSR and Yugoslavia' (1993) 33 VaJIntL 261-74.
- G Burdeau (ed) *Dissolution, continuation et succession en Europe de l'Est* (Montchrestien Paris 1994).
- E Sciso 'Dissoluzione di Stati e problemi di successione nei trattati' in *Comunità Internazionale* (Editoriale Scientifica Napoli 1994) 63-115.
- M Shaw 'State Succession Revisited' (1994) FinnishYBIL 34-98.
- P Williams 'The Treaty Obligations of the Successor States of the Former Soviet Union, Yugoslavia, and Czechoslovakia: Do They Continue in Force?' (1994) 23 DenverJIntL&Pol 1-42.
- A Bos O Ribbelink and LHW van Sandick *Statenopvolging* (Kluwer Deventer 1995).
- U Fastenrath T Schweisfurth and EC Thomas *Das Recht der Staatensukzession* (Müller Heidelberg 1995).
- O Ribbelink 'On the Uniting of States in Respect of Treaties' (1995) 26 NYIL 139-69.
- M Scharf 'Musical Chairs: The Dissolution of States and Membership in the United Nations' (1995) 28 CornellLQ 29-69.
- J Chan 'State Succession to Human Rights Treaties: Hong Kong and the International Covenant on Civil and Political Rights' (1996) 45 ICLQ 928-46.
- M Kamminga 'State Succession in Respect of Human Rights Treaties' (1996) 7 EJIL 469-84.
- T Schweisfurth *Das Recht der Staatensukzession* (Müller Heidelberg 1996) 49-227.
- M Silagi *Staatsuntergang und Staatennachfolge* (Lang Frankfurt am Main 1996).
- B Stern 'La Succession d'Etats' (1996) 262 RdC 9-437.
- H Beemelmans 'State Succession in International Law: Remarks on Recent Theory and State Praxis' (1997) 15 BostonUIntlJ 71-123.
- G Burci 'L'entrata in vigore della Convenzione di Vienna sulla successione di Stati in materia di trattati e la prassi nell'ambito delle Nazioni Unite' (1997) 80 RivDirInt 175-78.
- Centre d'étude et de recherche de droit international et de relations internationales/ Centre for Studies and Research in International Law and International Relations (ed) *La Succession d'états* (Nijhoff Dordrecht 1997).
- R Mushkat 'Hong Kong and Succession of Treaties' (1997) 46 ICLQ 181-201.

- D Papenfuß *Die Behandlung der völkerrechtlichen Verträge der DDR im Zuge der Herstellung der Einheit Deutschlands* (Müller Heidelberg 1997).
- M Craven 'The Problem of State Succession and the Identity of States under International Law' (1998) 9 EJIL 142-62
- J Klabbers 'Cat on a Hot Tin Roof: The World Court, State Succession, and the Gabčíkovo-Nagymaros Case' (1998) 11 LJIL 345-55.
- J Klabbers 'State Succession and Reservations to Treaties' in J Klabbers (ed) *Essays on the Law of Treaties* (Nijhoff The Hague 1998) 107-20.
- D Papenfuß 'The Fate of the International Treaties of the GDR within the Framework of German Unification' (1998) 92 AJIL 469-88.
- S Rosenne 'Automatic Treaty Succession' in J Klabbers (ed) *Essays on the Law of Treaties* (Nijhoff The Hague 1998) 97-106.
- F Wilfried 'Entwicklungslinien im Recht der Staatensukzession' in G Hafner (ed) *Liber Amicorum: Professor Ignaz Seidl-Hohenveldern in Honour of his 80th Birthday* (Kluwer The Hague 1998) 133-55.
- A Zimmermann *Staatennachfolge in völkerrechtliche Verträge* (Springer Heidelberg 2000).
- K Bühler *State Succession and Membership in International Organizations* (Kluwer The Hague 2001).
- P Pazartzis *La succession d'Etats aux traités internationaux à la lumière des mutations territoriales récentes* (Pedone Paris 2002).
- P Dumberry and D Turp 'La succession d'Etats en matière de traités et le cas de secession: du principe de la table rase à l'émergence d'une présomption de continuité des traités' (2003) 36 RBDI 377-412.
- A Rasulov 'Revisiting State Succession to Humanitarian Treaties: Is There a Case for Automaticity?' (2003) 14 EJIL 141-70.
- S Tierney 'Legal Issues Surrounding the Referendum on Independence for Scotland' (2013) 9 EuConst 359-90.
- A Zimmermann and J Devaney 'Succession to Treaties and the Inherent Limits of International Law' in C Tams A Tzanakopoulos and A Zimmermann (eds) *Research Handbook on the Law of Treaties* (Edward Elgar Cheltenham 2014) 505-40.
- P Dumberry 'An Uncharted Question of State Succession: Are New States Automatically Bound by the BITs Concluded by Predecessor States Before Independence?' (2015) 6 Journal of International Dispute Settlement 74-96.
- A Sarvarian 'Codifying the Law of State Succession: A Futile Endeavour?' (2016) 27 EJIL 789-812.
- C Tams 'State Succession to Investment Treaties: Mapping the Issues' (2016) 31 ICSID Rev/FILJ 314-43.

Select Documents

ILA 'Resolution No 3/2008: Aspects of the Law of State Succession' (2008) 73 ILA Conference Report 39.

UN ILC 'Draft Articles on Nationality of Natural Persons in relation to the Succession of States' (1999) GAOR 54th Session Supp 10, 15.

Vienna Convention on the Law of Treaties (concluded 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331.

Vienna Convention on Succession of States in respect of State Property, Archives and Debts (done 8 April 1983, not yet entered into force) (1983) 22 ILM 306.

Vienna Convention on Succession of States in Respect of Treaties (concluded 23 August 1978, entered into force 6 November 1996) 1946 UNTS 3.

Annex 244

“Gabon” *CIA World Factbook*, Central Intelligence Agency available at www.cia.gov/the-world-factbook/countries/gabon/ (9 September 2021) (excerpt)

[Explore All Countries](#) —

Gabon

Africa

Page last updated: September 09, 2021



INTRODUCTION

Background

GEOGRAPHY

Location

Central Africa, bordering the Atlantic Ocean at the Equator, between Republic of the Congo and Equatorial Guinea

Geographic coordinates

1 00 S, 11 45 E

Map references

Africa

Area

total: 267,667 sq km

land: 257,667 sq km

water: 10,000 sq km

country comparison to the world: 78

Area - comparative

slightly smaller than Colorado

Land boundaries

total: 3,261 km

border countries (3): Cameroon 349 km, Republic of the Congo 2567 km, Equatorial Guinea 345 km

Coastline

885 km

Maritime claims

territorial sea: 12 nm

contiguous zone: 24 nm

exclusive economic zone: 200 nm

Climate

tropical; always hot, humid

Terrain

narrow coastal plain; hilly interior; savanna in east and south

Elevation

highest point: Mont Iboundji 1,575 m

lowest point: Atlantic Ocean 0 m

mean elevation: 377 m

Natural resources

petroleum, natural gas, diamond, niobium, manganese, uranium, gold, timber, iron ore, hydropower

Land use

agricultural land: 19% (2018 est.)

arable land: 1.2% (2018 est.)

permanent crops: 0.6% (2018 est.)

permanent pasture: 17.2% (2018 est.)

forest: 81% (2018 est.)

other: 0% (2018 est.)

Irrigated land

40 sq km (2012)

Total renewable water resources

166 billion cubic meters (2017 est.)

Population distribution

the relatively small population is spread in pockets throughout the country; the largest urban center is the capital of Libreville, located along the Atlantic coast in the northwest as shown in this population distribution map

Natural hazards

none

Environment - international agreements

party to: Biodiversity, Climate Change, Climate Change-Kyoto Protocol, Climate Change-Paris Agreement, Comprehensive Nuclear Test Ban, Desertification, Endangered Species, Hazardous Wastes, Law of the Sea, Marine Dumping-London Convention, Nuclear Test Ban, Ozone Layer Protection, Ship Pollution, Tropical Timber 2006, Wetlands, Whaling

signed, but not ratified: none of the selected agreements

Geography - note

a small population and oil and mineral reserves have helped Gabon become one of Africa's wealthier countries; in general, these circumstances have allowed the country to maintain and conserve its pristine rain forest and rich biodiversity

PEOPLE AND SOCIETY

Population

2,284,912 (July 2021 est.)

note: estimates for this country explicitly take into account the effects of excess mortality due to AIDS; this can result in lower life expectancy, higher infant mortality, higher death rates, lower population growth rates, and changes in the distribution of population by age and sex than would otherwise be expected

country comparison to the world: 145

Nationality

noun: Gabonese (singular and plural)

adjective: Gabonese

Ethnic groups

Gabonese-born 80.1% (includes Fang 23.2%, Shira-Punu/Vili 18.9%, Nzabi-Duma 11.3%, Mbede-Teke 6.9%, Myene 5%, Kota-Kele 4.9%, Okande-Tsogo 2.1%, Pygmy .3%, other 7.5%), Cameroonian 4.6%, Malian 2.4%, Beninese 2.1%, acquired Gabonese nationality 1.6%, Togolese 1.6%, Senegalese 1.1%, Congolese (Brazzaville) 1%, other 5.5% (includes Congolese (Kinshasa), Equatorial Guinean, Nigerian) (2012)

Languages

French (official), Fang, Myene, Nzebi, Bapounou/Eschira, Bandjabi

Religions

Roman Catholic 42.3%, Protestant 12.3%, other Christian 27.4%, Muslim 9.8%, animist 0.6%, other 0.5%, none/no answer 7.1% (2012 est.)

Demographic profile

Age structure

0-14 years: 36.45% (male 413,883/female 399,374)

15-24 years: 21.9% (male 254,749/female 233,770)

25-54 years: 32.48% (male 386,903/female 337,776)

55-64 years: 5.19% (male 58,861/female 56,843)

65 years and over: 3.98% (male 44,368/female 44,381) (2020 est.)



Dependency ratios

total dependency ratio: 68.9

youth dependency ratio: 62.9

elderly dependency ratio: 6

potential support ratio: 16.8 (2020 est.)

Median age

total: 21 years

male: 21.4 years

etymology: name originates from the Portuguese word "gabao" meaning "cloak," which is roughly the shape that the early explorers gave to the estuary of the Komo River by the capital of Libreville

Government type

presidential republic

Capital

name: Libreville

geographic coordinates: 0 23 N, 9 27 E

time difference: UTC+1 (6 hours ahead of Washington, DC, during Standard Time)

etymology: original site settled by freed slaves and the name means "free town" in French; named in imitation of Freetown, the capital of Sierra Leone

Administrative divisions

9 provinces; Estuaire, Haut-Ogooue, Moyen-Ogooue, Ngounie, Nyanga, Ogooue-Ivindo, Ogooue-Lolo, Ogooue-Maritime, Woleu-Ntem

Independence

17 August 1960 (from France)

National holiday

Independence Day, 17 August (1960)

Constitution

history: previous 1961; latest drafted May 1990, adopted 15 March 1991, promulgated 26 March 1991

amendments: proposed by the president of the republic, by the Council of Ministers, or by one third of either house of Parliament; passage requires Constitutional Court evaluation, at least two-thirds majority vote of two thirds of the Parliament membership convened in joint session, and approval in a referendum; constitutional articles on Gabon's democratic form of government cannot be amended; amended several times, last in 2020

Legal system

mixed legal system of French civil law and customary law

International law organization participation

has not submitted an ICJ jurisdiction declaration; accepts ICCT jurisdiction

Citizenship

citizenship by birth: no

citizenship by descent only: at least one parent must be a citizen of Gabon

dual citizenship recognized: no

residency requirement for naturalization: 10 years

Suffrage

18 years of age; universal

Executive branch

chief of state: President Ali BONGO Ondimba (since 16 October 2009)

head of government: Prime Minister Rose Christiane Ossouka RAPONDA (since 16 July 2020)

cabinet: Council of Ministers appointed by the prime minister in consultation with the president

elections/appointments: president directly elected by simple majority popular vote for a 7-year term (no term limits); election last held on 27 August 2016 (next to be held in August 2023); prime minister appointed by the president

election results: Ali BONGO Ondimba reelected president; percent of vote - Ali BONGO Ondimba (PDG) 49.8%, Jean PING (UFC) 48.2%, other 2.0%